

PB# 97-25

MOBIL OIL SP

69-4-26.2

97 - 25

MAYO, RACHEL (FOR MOBIL OIL) SITE PLAN
CORNER RT. 32 & 94 (MAYO) (TYREE CONS)

Approved 5/20/98

Wilson Jones • Carbonless • S1654 NCR Duplicate • S1657N CL Tri-plate
MADE IN U.S.A.
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DATE August 6, 1997 RECEIPT 97-25
RECEIVED FROM Tyree Consulting Co.
Address 125 Commerce Drive - Brookfield, CT 06804
Seven Hundred Fifty 00/100 DOLLARS \$ 750.00
FOR Site Plan Escrow.

ACCOUNT			HOW PAID		
BEGINNING BALANCE	750	00	CASH		
AMOUNT PAID	750	00	CHECK	#4293	
BALANCE DUE	-0	-	MONEY ORDER		

Myra Mason
BY Myra Mason, Secretary

Wilson Jones • Carbonless • S1654 NCR Duplicate • S1657N CL Tri-plate

DATE August 7, 1997 RECEIPT 6772244
RECEIVED FROM Tyree Consulting Co.
Address _____
One Hundred and 00/100 DOLLARS \$ 100.00
FOR Planning Board Application Fee
#97-25

ACCOUNT			HOW PAID		
BEGINNING BALANCE			CASH		
AMOUNT PAID			CHECK	#4312	100 00
BALANCE DUE			MONEY ORDER		

Town Clerk
BY Dorothy W. Hansen

Wilson Jones • Carbonless • S1654 NCR Duplicate • S1657N CL Tri-plate
MADE IN U.S.A.
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DATE May 20, 1998 RECEIPT 97-25
RECEIVED FROM Tyree Consulting Co.
Address 125 Commerce Drive - Brookfield, CT 06804
One Thousand Two Hundred Seventeen 00/100 DOLLARS \$ 1,217.00
FOR 2% of Cost Estimate (\$60,849.00) Inspection fee

ACCOUNT			HOW PAID		
BEGINNING BALANCE	1,217	00	CASH		
AMOUNT PAID	1,217	00	CHECK	#4693	
BALANCE DUE	-0	-	MONEY ORDER		

Myra Mason
BY Myra Mason, Secretary

Wilson Jones • Carbonless • S1654 NCR Duplicate • S1657N CL Tri-plate

DATE May 21, 1998 RECEIPT 297754
RECEIVED FROM Tyree Consulting Co.
Address _____
One Hundred 00/100 DOLLARS \$ 100.00
FOR PB # 97-25

ACCOUNT			HOW PAID		
BEGINNING BALANCE			CASH	#4694	
AMOUNT PAID			CHECK	100 00	
BALANCE DUE			MONEY ORDER		

Town Clerk
BY Dorothy W. Hansen

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 97-25

NAME: MOBIL OIL CORPORATION - AMENDED SITE PLAN
APPLICANT: MAYO, RACHEL (TYREE CONSULTING CO.)

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
05/20/98	PLANS STAMED	APPROVED
05/06/98	WORK SESSION APPEARANCE	REVISE PLANS
	. REVISE PLANS - PAY FEES - MARK TO CHECK BEFORE APPROVAL	
	. STAMP	
01/14/98	P.B. APPEARANCE	LA:ND WAIVE PH. APPR
	. UNCOORDINATED REVIEW FOR LEAD AGENCY - DEC. NEG. DEC. -	
	. WAIVED P.H. - APPROVED CONDITIONAL - NEED COPY OF D.O.T.	
	. APPROVAL	
	. NEED COST ESTIMATE *	
08/13/97	P.B. APPEARANCE	REFER TO Z.B.A.
07/16/97	WORK SESSION APPEARANCE	SUBMIT APPLICATION
07/02/97	WORK SESSION APPEARANCE	REVISIONS REQUIRED

/ /

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 97-25

NAME: MOBIL OIL CORPORATION - AMENDED SITE PLAN

APPLICANT: MAYO, RACHEL (TYREE CONSULTING CO.)

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	08/04/97	EAF SUBMITTED	08/04/97	WITH APPLICATION
ORIG	08/04/97	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	08/04/97	LEAD AGENCY DECLARED	01/14/98	UNCOORD. REVIEW
ORIG	08/04/97	DECLARATION (POS/NEG)	01/14/98	DECL. NEG. DEC
ORIG	08/04/97	PUBLIC HEARING	01/14/98	WAIVED P.H.
ORIG	08/04/97	AGRICULTURAL NOTICES	/ /	

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/14/98

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 97-25

NAME: MOBIL OIL CORPORATION - AMENDED SITE PLAN
APPLICANT: MAYO, RACHEL (TYREE CONSULTING CO.)

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	08/04/97	MUNICIPAL HIGHWAY	08/08/97	APPROVED
ORIG	08/04/97	MUNICIPAL WATER	08/07/97	APPROVED
ORIG	08/04/97	MUNICIPAL SEWER	/ /	
ORIG	08/04/97	MUNICIPAL FIRE	08/12/97	APPROVED

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 97-25

NAME: MOBIL OIL CORPORATION - AMENDED SITE PLAN
APPLICANT: MAYO, RACHEL (TYREE CONSULTING CO.)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
08/04/97	REC. CK. #4293	PAID		750.00	
08/13/97	P.B. ATTY. FEE	CHG	35.00		
08/13/97	P.B. MINUTES	CHG	13.50		
01/14/98	P.B. ATTY. FEE	CHG	35.00		
01/14/98	P.B. MINUTES	CHG	58.50		
05/22/98	P.B. ENGINEER FEE	CHG	448.00		
06/02/98	RETURN TO APPLICANT	CHG	160.00		
		TOTAL:	750.00	750.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 97-25

NAME: MOBIL OIL CORPORATION - AMENDED SITE PLAN
APPLICANT: MAYO, RACHEL (TYREE CONSULTING CO.)

---DATE---	DESCRIPTION-----	TRANS	---AMT-CHG	---AMT-PAID	---BAL-DUE
05/21/98	2% OF 60,849.00 INSPEC. FEE	CHG	1217.00		
05/21/98	REC. CK. #4693	PAID		1217.00	
		TOTAL:	1217.00	1217.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 97-25

NAME: MOBIL OIL CORPORATION - AMENDED SITE PLAN
APPLICANT: MAYO, RACHEL (TYREE CONSULTING CO.)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/21/98	SITE PLAN APPROVAL FEE	CHG	100.00		
05/21/98	REC. CK. #4694	PAID		100.00	
		TOTAL:	100.00	100.00	0.00



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY
and PENNSYLVANIA

MEMORANDUM
5 May 1998

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
e-mail: mheny@att.net
- ☐ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765
e-mail: mhepa@ptd.net



TO: MYRA MASON, PLANNING BOARD SECRETARY

FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER

SUBJECT: MOBIL SITE PLAN - VAILS GATE
P.B. APPLICATION NO. 97-25

I have reviewed the attached site improvements cost estimate. Based on the estimate and the mark-up, I am hereby recommending that a site improvement cost estimate bond amount be established as \$ 60,849.

The inspection fee would therefore be \$1217.

To my understanding, the project was approved on 1/14/98. As long as the applicant pays the required fees, I would recommend that the plan be stamped approved.

Very truly yours,

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS, P.C.

A handwritten signature in black ink, appearing to read 'Mark J. Edsall', written over a horizontal line.

Mark J. Edsall, P.E.
Planning Board Engineer

MJE/st
mobil5.5

03-26-1998 11:52AM FROM Tyree Engineering TO 919145621413 P.02

Project name	Site Bond 17-N2X 1001 RT 94 & 32 New Windsor USA NY
Estimator	T.McCarthy
Labor rate table	Tyree
Equipment rate table	Tyree
Job size	3,000 SQFT
Duration	60 DDYS
Bid date	3/25/98
Audit	Dimensional
Report format	Sorted by 'Group phase/Phase' 'Detail' summary Paginate

919145621413 P.03
TO
FROM Tyree Engineering
03-26-1998 11:52AM

Item	Description	Takeoff Qty	Unit Cost	Unit Cost	Amount	Amount	Name	Amount
2000.000 SITEWORK & DEMOLITION								
2070.100 Demo Site								
10	Demo Manholes	4.00 ea	32.73 /ea	-	-	-		271
12	Demo Catch Basins	2.00 ea	21.82 /ea	-	-	-		90
18	Demo Concrete Sidewalks	56.52 sf	0.44 /sf	-	-	-		104
20	Demo Precast Curbs	383.28 lf	1.09 /lf	-	-	-		1,760
	Demo Site							2,225
	28.29 Labor hours							
	22.96 Equipment hours							
2070.110 Demo Site Improvements								
22	Demo Large Signs	1.00 ea	65.46 /ea	-	-	-		100
24	Demo Small Signs	3.00 ea	4.36 /ea	-	-	-		13
	Demo Site Improvements							114
	3.60 Labor hours							
	1.60 Equipment hours							
SITEWORK & DEMOLITION					0	0		2,338
	31.89 Labor hours							
	24.56 Equipment hours							

Standard Estimate Report
Site Bond 17-N2X3/26/98 Page 3
11:33 AM

P.04

919145621413

TO

Tyree Engineering

FROM

03-26-1998 11:52AM

Item	Description	Takeoff Qty	Unit Cost	Unit Cost	Amount	Amount	Name	Amount
2100.000 SITE WORK								
2110.100	Site Clearing							
12	Clear and Grub Site -Medium	0.96	ac	436.40	/ac	-	-	-
	Site Clearing							
	19.20 Labor hours							611
	9.60 Equipment hours							611
2115.205	Chipping							
22	Chipping Brush -Medium	0.25	ac	498.76	/ac	-	-	-
	Chipping							
	5.71 Labor hours							125
	5.71 Equipment hours							125
2115.210	Stump Removal							
10	Stump Removal - Small	12.00	ea	8.18	/ea	-	-	-
14	Stump Removal - Large	6.00	ea	16.37	/ea	-	-	-
	Stump Removal							
	9.00 Labor hours							128
	3.00 Equipment hours							128
2115.220	Tree Removal							
10	Tree Removal - Small	12.00	ea	4.36	/ea	-	-	-
14	Tree Removal - Large	6.00	ea	4.36	/ea	-	-	-
	Tree Removal							
	3.60 Labor hours							52
	3.60 Equipment hours							28
2115.230	Tree Protection							
20	Wood Snow Fence Protect	500.00	lf	0.73	/lf	5.00	/lf	2,500
100	Remove Tree Protection	500.00	lf	0.22	/lf	1.00	/lf	500
	Tree Protection							3,000
	21.67 Labor hours							5,473
2210.110	Grading- Rough							
60	Rough Grade Small Pads	822.66	sy	0.18	/sy	-	-	-
60	Rough Grade Small Pads	822.66	sy	0.18	/sy	-	-	-
	Grading- Rough							
	13.16 Labor hours							407
	13.16 Equipment hours							407
2221.105	Building Excavation							
16	Bldg Excavation Haul Offsite	47.65	cy	2.10	/cy	-	-	250
	Building Excavation							250
	4.58 Labor hours							625
	9.15 Equipment hours							625
2222.316	Bldg Fill- Gravel							
2	Bldg Fill Gravel	23.82	cy	0.65	/cy	-	-	-

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Standard Estimate Report
Site Bond 17-N2X3/26/98 Page 4
11:33 AMP.05
919145621413
TO
Tyree Engineering
FROM
03-26-1998 11:53AM

Item	Description	Takeoff Qty	Unit Cost	Unit Cost	Amount	Amount	Name	Amount
	Bldg Fill- Gravel							
	0.72 Labor hours							
	0.48 Equipment hours							
2222.510	Fill Material							
300	Fill Gravel Process	23.82 cy	-	8.45 /cy	201	-		201
	Fill Material				201			201
2230.030	Base- Process Gravel							
70	Process Gravel -Small Paving	137.11 cy	0.70 /cy	8.26 /cy	1,132	-		1,286
	Base- Process Gravel				1,132			1,286
	4.39 Labor hours							
	1.46 Equipment hours							
2272.201	Temp Erosion Control							
10	Haybales	186.00 ea	0.44 /ea	1.21 /ea	225	-		306
12	Haybales @ Catch Basin's	10.00 ea	0.44 /ea	1.21 /ea	12	-		16
20	Silt Fence	464.00 lf	0.44 /lf	4.40 /lf	2,042	-		2,244
	Temp Erosion Control				2,278			2,567
	13.20 Labor hours							
2510.120	Asphalt Paving - SY							
20	Bituminous Base Course 2"	822.66 sy	-	-	-	4,200		4,200
220	Bituminous Top Course 2"	822.66 sy	-	-	-	3,900		3,900
	Asphalt Paving - SY					8,100		8,100
2513.110	Paving Textiles							
20	Trench Wrap	74.34 sy	0.06 /sy	2.20 /sy	164	-		168
20	Trench Wrap	195.56 sy	0.06 /sy	2.20 /sy	430	-		441
20	Trench Wrap	378.68 sy	0.06 /sy	2.20 /sy	833	-		854
	Paving Textiles				1,427			1,462
	1.62 Labor hours							
2525.110	Curbs- Precast							
10	Precast Conc Curb Straight	274.73 lf	2.91 /lf	4.50 /lf	1,236	-		2,281
20	Precast Curb Handicap Cut	2.00 ea	87.28 /ea	225.00 /ea	450	-		705
22	Precast Conc Curb Inlet	12.00 ea	87.28 /ea	85.00 /ea	1,020	-		2,547
24	Precast Conc Curb Transition	15.00 ea	87.28 /ea	95.00 /ea	1,425	-		3,334
32	Precast Curb Radius 6 - 10'	110.00 lf	3.27 /lf	6.00 /lf	660	-		1,130
	Curbs- Precast				4,791			9,997
	169.16 Labor hours							
	37.86 Equipment hours							
2580.100	Pavement Marking							
222	Parking Spaces Handicap	1.00 ea	-	-	-	10		10
224	Painted Crosswalks	200.00 sf	-	-	-	200		200
226	Painted Handicap Symbol	1.00 ea	-	-	-	85		65
228	Painted Arrows	1.00 ea	-	-	-	10		10
	Pavement Marking				285			285
2605.210	Manholes 10'							

Standard Estimate Report
Site Bond 17-N2X

P.06
919145621413

TO

FROM Tyree Engineering

03-26-1998 11:53AM

Item	Description	Takeoff Qty	Unit Cost	Unit Cost	Amount	Amount	Name	Amount
2605.210	Manholes 10'							
10	Manhole 10' Base	2.00 ea	76.37 /ea	185.00 /ea	370	-		603
12	Manhole 10' Riser	8.00 vf	50.91 /vf	80.00 /vf	640	-		1,261
16	Manhole 10' Brick Extensions	2.00 ea	43.64 /ea	45.00 /ea	90	-		177
20	Manhole 10' Flat Cover	2.00 ea	76.37 /ea	100.00 /ea	200	-		433
22	Manhole 10' Formed Invert	2.00 ea	21.82 /ea	95.00 /ea	190	-		234
	Manholes 10'				1,490	-		2,707
	38.67 Labor hours							
	9.33 Equipment hours							
2605.380	Manhole Castings							
10	Frame & Grate - Single	2.00 ea	21.82 /ea	195.00 /ea	390	-		434
	Manhole Castings				390	-		434
	2.00 Labor hours							
	2.00 Equipment hours							
2610.010	Pipe Trenching							
4	Trench Excav & Lay Pipe 0- 4'	80.00 lf	3.49 /lf	-	-	-		479
4	Trench Excav & Lay Pipe 0- 4'	180.00 lf	3.49 /lf	-	-	-		1,078
4	Trench Excav & Lay Pipe 0- 4'	330.00 lf	3.49 /lf	-	-	-		1,977
4	Trench Excav & Lay Pipe 0- 4'	90.00 lf	3.49 /lf	-	-	-		539
	Pipe Trenching							4,074
	108.80 Labor hours							
	54.40 Equipment hours							
2610.012	Trench Shoring							
b1f	Trench Box Rental by LF	80.00 lf	-	-	-	-		120
b1f	Trench Box Rental by LF	180.00 lf	-	-	-	-		270
b1f	Trench Box Rental by LF	330.00 lf	-	-	-	-		495
	Trench Shoring							885
2610.014	Pipe Bedding							
10	Utility Bed Sand	6.00 cy	0.87 /cy	6.50 /cy	39	-		44
10	Utility Bed Sand	16.00 cy	0.87 /cy	6.50 /cy	104	-		118
10	Utility Bed Sand	34.00 cy	0.87 /cy	6.50 /cy	221	-		251
10	Utility Bed Sand	8.00 cy	0.87 /cy	6.50 /cy	52	-		59
	Pipe Bedding				416	-		472
	2.56 Labor hours							
	2.56 Equipment hours							
2610.016	Pipe Cover							
10	Utility Cover Sand	16.00 cy	0.87 /cy	6.50 /cy	104	-		118
20	Utility Cover Gravel-Bank	8.00 cy	0.87 /cy	7.80 /cy	62	-		69
20	Utility Cover Gravel-Bank	18.00 cy	0.87 /cy	7.80 /cy	140	-		156
20	Utility Cover Gravel-Bank	34.00 cy	0.87 /cy	7.80 /cy	265	-		295
	Pipe Cover				572	-		638
	3.04 Labor hours							
	3.04 Equipment hours							
2610.018	Spoils Removal							
10	Spoils to Waste	6.76 cy	-	-	-	175		175

Standard Estimate Report
Site Bond 17-N2X3/26/98 Page 6
11:33 AM

		Item	Description	Takeoff Qty	Unit Cost	Unit Cost	Amount	Amount	Name	Amount
919145621413 P.07 TO Tyree Engineering FROM 03-26-1998 11:53AM		2610.018	Spoils Removal							
		10	Spoils to Waste	17.77	cy	-	-	175		175
		10	Spoils to Waste	34.41	cy	-	-	500		500
		10	Spoils to Waste	7.99	cy	-	-	175		175
			Spoils Removal					1,025		1,025
			1.34 Equipment hours							
		2625.501	SDR 35 Pipe							
		n 6	PVC SDR 35 6	80.00	lf	0.73 /lf	3.00 /lf	240		332
			SDR 35 Pipe					240		332
			2.67 Labor hours							
			1.07 Equipment hours							
		2625.514	SDR 35 Bends							
		n c 6	PVC SDR 35 45 bend 6	4.00	ea	4.37 /ea	6.00 /ea	24		41
		n d 6	PVC SDR 35 90 ell 6	2.00	ea	4.37 /ea	6.00 /ea	12		21
			SDR 35 Bends					36		62
			1.20 Labor hours							
		2625.524	SDR 35 Wyes							
		n 6	PVC SDR 35 Wye 6	2.00	ea	3.06 /ea	7.00 /ea	14		20
		n 604	PVC SDR 35 Wye 6 x 4	2.00	ea	3.06 /ea	7.00 /ea	14		20
			SDR 35 Wyes					28		40
			0.56 Labor hours							
		2625.550	SDR 35 Pipe Cap							
		n 6	PVC SDR 35 Pipe Cap 6	2.00	ea	4.37 /ea				9
			SDR 35 Pipe Cap							9
			0.40 Labor hours							
		2630.201	CMP Pipe							
		n 15	CMP 15	180.00	lf	27.28 /lf	11.50 /lf	2,070		7,261
			CMP Pipe					2,070		7,261
			225.00 Labor hours							
			9.00 Equipment hours							
		2632.101	Copper Water Pipe							
		n k 10	Copper Pipe Type K 1	330.00	lf	0.49 /lf	6.00 /lf	1,980		2,140
			Copper Water Pipe					1,980		2,140
			7.33 Labor hours							
		2920.110	Soil Preparation							
		10	Spread Loam	55.00	cy	1.75 /cy	8.00 /cy	440		536
		50	Machine Rake	2,500.00	sf	-	-	-	1,250	1,250
		55	Hand Rake	2,500.00	sf	-	-	-	1,875	1,875
			Soil Preparation					440	3,125	3,661
			4.40 Labor hours							
			2.20 Equipment hours							
		1930.110	Lawns & Grasses							
		15	Hydroseeding	2,500.00	sf	-	-	-	50	50

Standard Estimate Report
Site Bond 17-N2X3/26/98 Page 7
11:33 AMP.08
919145621413

TO

FROM Tyree Engineering
03-26-1998 11:54AM

Item	Description	Takeoff Qty	Unit Cost	Unit Cost	Amount	Amount	Name	Amount
2930.110	Lawns & Grasses							
50	Fertilizer	2,500.00	sf	-	-	750		750
55	Lime	2,500.00	sf	-	-	250		250
	Lawns & Grasses					1,050		1,050
2830.210	Mulching							
10	Mulch - Hay	2,500.00	sf	-	-	1,750		1,750
	Mulching					1,750		1,750
2950.210	Shrubs & Hedges							
10	Shrubs - Standard Species	41.00	ea	-	-	4,500		4,500
500	Shrubs - Expensive Species	19.00	ea	-	-	1,425		1,425
	Shrubs & Hedges					5,925		5,925
2950.310	Trees							
500	Trees - Expensive Species	4.00	ea	-	-	1,400		2,000
1000	Trees - Guying	4.00	ea	-	-	60		60
1010	Trees - Maintenance	4.00	ea	-	-	280		280
	Trees					1,740		2,340
SITE WORK					20,492	23,250		64,731
	662.63 Labor hours							
	168.97 Equipment hours							

P.09
919145621413
TO
Tyree Engineering
FROM
03-26-1998 11:54AM

Item	Description	Takeoff Qty	Unit Cost	Unit Cost	Amount	Amount	Name	Amount
3000.000 CONCRETE								
3100.120	Forms- S-O-G							
10	S.O.G. Edge Form < 1'	71.72 sf	1.96 /sf	0.79 /sf	56	-		197
	Forms- S-O-G				56			197
	6.45 Labor hours							
3100.310	Forms- Strip & Oil							
24	Strip & Oil SOG Form	71.72 sf	0.11 /sf	-	-	-		8
	Forms- Strip & Oil							8
	0.36 Labor hours							
3100.630	Vapor Barrier							
4	4 Mil. Vapor Barrier	1,286.43 sf	0.04 /sf	0.01 /sf	16	-		72
	Vapor Barrier				16			72
	2.57 Labor hours							
3220.110	Wire Mesh- Rolls							
666	VWM 6X6- W 2.9 Rolls	1,350.75 sf	0.13 /sf	0.15 /sf	199	-		375
900	Mesh Support - bricks	142.94 ea	0.04 /ea	0.19 /ea	27	-		33
	Wire Mesh- Rolls				226			409
	8.39 Labor hours							
3310.100	Concrete- Buy							
40	4000 psi Concrete	23.82 cy	-	78.75 /cy	1,876	-		1,876
	Concrete- Buy				1,876			1,876
3310.230	Place- S-O-G							
1	Truck Place Slab on Grade	23.82 cy	9.82 /cy	-	-	-		2,497
	Place- S-O-G							2,497
	10.72 Labor hours							
3345.110	Finish Flatwork							
10	Finish- Hard Trowel	1,286.43 sf	0.33 /sf	0.03 /sf	39	-		460
	Finish Flatwork				39			460
	19.30 Labor hours							
3345.170	Curing							
2	Liquid Curing Compounds	1,286.43 sf	0.04 /sf	0.02 /sf	20	-		76
	Curing				20			76
	2.57 Labor hours							
3345.180	Hardener							
4	Seal Floors	1,286.43 sf	0.04 /sf	0.05 /sf	68	-		124
	Hardener				68			124
	2.57 Labor hours							

Standard Estimate Report
Site Bond 17-N2X3/26/98 Page 9
11:33 AM

Item	Description	Takeoff Qty	Unit Cost	Unit Cost	Amount	Amount	Name	Amount
	CONCRETE				2,301	0		5,719
	52.94 Labor hours							

919145621413 P.10

TO

03-26-1998 11:54AM FROM Tyree Engineering

Standard Estimate Report
Site Bond 17-N2X3/26/98 Page 10
11:33 AM

Estimate Totals

Labor	16,310		747.469	hrs	
Material	22,793				
Subcontract	23,250				
Equipment	7,572		193.528	hrs	
Other	2,863				
	72,788	72,788			
Profit & Overhead	10,918		15.000 %		C
	Total	83,706	27.902 /SQ		

919145621413 P.11

TO

03-26-1998 11:55AM FROM Tyree Engineering

03-26-1998 11:55AM FROM Tyree Engineering TO 919145621413 P.12

Subcategory Totals

TOTAL P.12

MAY-22-1998 08:55

MC GOEY, HAUSER & EDSALL

914 562 1413 P.01

AS OF: 05/22/98

PAGE: 1

For MYRA

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN TOWN OF NEW WINDSOR

TASK: 97- 25

FOR WORK DONE PRIOR TO: 05/22/98

TASK NO	RLC	DATE	TRAN	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP.	BILLED	BALANCE	
97-25	106558	03/04/97	TIME	MJE	MC TC VG MOBIL S/P	75.00	0.30	22.50				
97-25	112563	07/02/97	TIME	MJE	WS MOBIL 5 CORNERS	75.00	0.40	30.00				
97-25	115115	07/16/97	TIME	MJE	WS MOBIL-VG	75.00	0.40	30.00				
97-25	115201	08/11/97	TIME	MJE	MC MOBIL S/P	75.00	0.50	37.50				
97-25	114825	08/12/97	TIME	MCK	CL MOBIL OIL RVW COMM	28.00	0.50	14.00				
97-25	115204	08/12/97	TIME	MJE	MC MOBIL S/P	75.00	0.10	7.50				
97-25	114650	08/13/97	TIME	MJE	MM MOBIL DISAPP TO ZBA	75.00	0.10	7.50				
									149.00			
97-25	116779	08/31/97	BILL 97-80/ 9/15/97							-149.00		
										149.00		
97-25	117392	09/17/97	TIME	MJE	MC MOBIL OIL ZBA RFF	75.00	0.30	22.50				
97-25	121063	11/03/97	TIME	MJE	MC MOBIL VG TC RE ZBA	75.00	0.30	22.50				
97-25	122053	11/18/97	TIME	MJE	MC VG MOBIL W/LNG'R	75.00	0.40	30.00				
97-25	122067	11/19/97	TIME	MJE	MC VG MOBIL W/BI	75.00	0.40	30.00				
97-25	122070	11/20/97	TIME	MJE	MC VG MOBIL W/APP ATTY	75.00	0.30	22.50				
									127.50			
97-25	122531	11/30/97	BILL 97-114/ 12/15/97							-171.50		
										-171.50		
97-25	122215	12/10/97	TIME	MCK	CL MOBIL OIL RVW COMM	28.00	0.50	14.00				
97-25	122337	12/10/97	TIME	MJE	MC MOBIL VG S/P	75.00	0.40	30.00				
97-25	125037	01/13/98	TIME	MJE	MC VG MOBIL	75.00	0.20	15.00				
97-25	123553	01/14/98	TIME	MJE	MM MOBIL OIL S/P APPD	75.00	0.10	7.50				
97-25	125038	01/14/98	TIME	MJE	MC MOBIL S/P	75.00	0.50	37.50				
									104.00			
97-25	126841	01/31/98	BILL 98-23/ 2/13/98							60.00		
										-60.00		
97-25	134263	05/05/98	TIME	MJE	MC MOBIL VG BOND RVW	75.00	0.50	37.50				
97-25	134301	05/06/98	TIME	MJE	WS MOBIL VG	75.00	0.40	30.00				
TASK TOTAL									448.00	0.00	-380.50	67.50
GRAND TOTAL									448.00	0.00	380.50	67.50

TOTAL P.01

RESULTS OF P.B. MEETING

DATE: January 14, 1998

PROJECT NAME: Mobile Oil Under Gate PROJECT NUMBER 91-25

Uncoordinated Review:
LEAD AGENCY:

*
* NEGATIVE DEC:
*

M) S) VOTE: A N

* M) LN S) LU VOTE: A 5 N 0
*

CARRIED: YES NO

* CARRIED: YES: ✓ NO
*

PUBLIC HEARING: M) LU S) 5 VOTE: A 5 N 0

Waive

WAIVED: YES ✓ NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) 5 S) LU VOTE: A 5 N 0 APPR. CONDITIONALLY: 1-14-98

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Need Copy of D.O.T.

Do not need full E.A.F.

Need Cost Est.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

RE-ISSUED
14 JAN 98

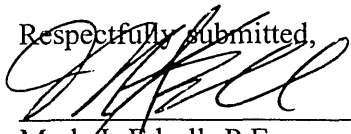
REVIEW NAME: MOBIL OIL SITE PLAN
PROJECT LOCATION: NYS ROUTES 94 AND 32 (VAILS GATE)
SECTION 69-BLOCK 4-LOT 26.2
PROJECT NUMBER: 97-25
DATE: 10 DECEMBER 1997
DESCRIPTION: THE APPLICATION PROPOSES SELECTIVE DEMOLITION
OF EXISTING STRUCTURES ON THE SITE AND THE
CONSTRUCTION OF A NEW 3,380 SQUARE FOOT RETAIL
BUILDING. THE PLAN WAS PREVIOUSLY REVIEWED AT
THE 13 AUGUST 1997 PLANNING BOARD MEETING.

1. This application required variances and was referred to the Zoning Board of Appeals at the August 1997 meeting. The Applicant subsequently has received all the requested variances. A record of same should be in the Planning Board files.
2. The Planning Board should begin the SEQRA review process. If the Board decides to perform a coordinated review, a Lead Agency Coordination Letter must be circulated. It is my understanding that the only other involved agency is NYSDOT. If the Planning Board decides to perform an uncoordinated review, you can proceed through the SEQRA evaluation of this application independently.

In either case, I recommend that the Planning Board refer this site plan to the NYSDOT for review and comment and consider approval only after receiving input/response from NYSDOT.

3. The plans submitted are complete and, in my opinion, address the issues of a site plan as required in the Zoning Ordinance. I am aware of no concerns with the site plan package as submitted and believe same is complete and acceptable.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:MOBIL2.mk



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

MOBIL

- ☐ Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF

New Windsor

P/B #

97-25

WORK SESSION DATE:

6 May 1997

APPLICANT RESUB.
REQUIRED:

new plans for stamp

REAPPEARANCE AT W/S REQUESTED:

No

PROJECT NAME:

Mobil Oil

PROJECT STATUS:

NEW

OLD

X

REPRESENTATIVE PRESENT:

Darius V.

MUNIC REPS PRESENT:

BLDG INSP.

FIRE INSP.

ENGINEER

PLANNER

P/B CHMN.

OTHER (Specify)

X

X

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

3400' app'd

- originally wanted to take 5' off back

- now they want to go back to 3386

- need 6 retr.

Ready for stamp. NYE to
review prior to stamp.

HERBERT SLEPOY CORPORATION

104 South Central Avenue - Suite 20
Valley Stream, New York 11580-5461

Herbert Slepoy
Andrew Slepoy
William Slepoy

516-872-9572
Fax: 516-872-8408

December 8, 1997

Mr. James Petro, Jr., Chairman
New Windsor Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

VIA FAX (914)563-4693 and USPS

Re: Mobil Oil Corporation
Proposed Service Station & Convenience Store
Sect. 69/Blk. 4/Lot 26.2
1001 Rt. 94 & Rt. 32, New Windsor, NY

Dear Chairman Petro:

I am an owner of property situated next to the above-referenced Mobil gas station. Having learned that Mobil Oil Corporation ("Mobil") seeks to have the Town of New Windsor Planning Board ("Planning Board") rule on its application to build a 3,400 sq. ft. building on its site at the Planning Board's next meeting, scheduled for December 10th, I am writing to request that the Planning Board postpone the hearing for a later date so that it can hold a public hearing, as well as require Mobil to submit a full environmental impact statement.

As you know, the Mobil gas station is located at the intersection of Route 32, Route 94, and Temple Hill Road. Under its *current* condition, the intersection is already overburdened by the large number of automobiles that travel through it on a daily basis. As a result, the area is prone to congestion, creating not only an inconvenience for the residents and businesses in the area, but also a situation that endangers the public's safety and welfare. I am sure that an inquiry into the number of automobile accidents that have occurred in recent years will show that they have substantially increased.

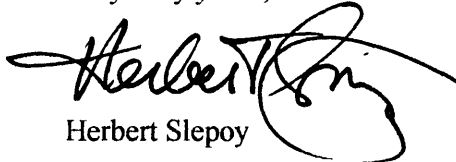
Mobil's proposal to build a convenience store that is over three (3) times the size of its existing store will only make a bad situation worse. On a one-acre site, Mobil proposes not only to continue to provide fourteen (14) gasoline pumps, but also a two-story, 3,400 sq. ft. convenience store, while providing for only thirteen (13) parking spaces. This structure will not only serve as a convenience store for the customers that want to purchase gasoline, but it will also invite customers to patronize the station only for the convenience store (ie. On the Run) and the fast food outlet (ie. Blimpie Subs & Salads) and not for gasoline. In an area that is already having difficulty with traffic, Mobil's proposal will not only overburden its property, but will also further impede traffic at the five-corners intersection. The detrimental effect that the proposal will have on existing traffic patterns will undoubtedly threaten the public's safety and welfare.

In light of the concerns that I raise, I request that the Planning Board require Mobil to conduct a full environmental impact study on what effect its proposal will have on the area. In addition, I believe that the Planning Board should hold a public hearing on the matter before it reaches a decision, so that it considers all of the issues that are of concern to the residents and businesses in the area.

Please understand that I am not trying to prevent another business from attempting to generate as much income as possible at a given location; however, I believe that it should not do so at the expense of the public's safety and welfare. The only possible way for the Planning Board to strike the right balance of competing interests is by considering all of the issues before reaching a decision.

Thank you for your attention and consideration.

Very truly yours,



Herbert Slepoy

cc: A. Krieger, Esq.
Attorney for
Town of New Windsor Planning Board

REGULAR ITEMS:

MOBIL OIL SITE PLAN (97-25) RT. 32 & RT. 94

Lawrence Wolinsky, Esq. and Dainius L. Virbickas, P.E. appeared before the board for this proposal.

MR. WOLINSKY: My name is Larry Wolinsky, I'm with Jacobowit and Gubits, the law firm, and I'm here tonight with Dainius Virbickas from Tyree Engineering. We're here this evening on the Mobil Oil site plan, this involves the Mobil Oil station at Five Corners. I will let the engineer do a presentation of what's proposed for the site from the legal end. I will just advise you that we were originally referred to the Zoning Board of Appeals for some variances. We have been there, we received all the variances from the ZBA so we're back before you this evening to continue the site plan review, let Dainius just present what the proposal is.

MR. VIRBICKAS: As the attorney stated, we received our Zoning Board of Appeals approvals for the proposed site and currently what exists on the site is look at the survey map, show you briefly Mobil Service Station, by stretching across most of the entire frontage on Route 32 with what they call a building roughly 1,200 square feet in size located underneath the canopy and car wash located to the rear of the site. There is also a storage shed in the back with a disposal to the rear of the site.

MR. PETRO: Page number 1 is what's here tonight is what you're showing us?

MR. VIRBICKAS: Right.

MR. PETRO: If you go to page number 2 is what's proposed?

MR. VIRBICKAS: Right, that is the actual site plan itself, I have gone to page number 2 which is a landscaping plan, shows increase in landscaping on the site, what we're proposing to do on the site is to cut back the canopy for the most part eliminate two

dispenser islands located out the outermost edges, make the canopy more compact, eliminate the existing building in the center of the canopy and replacing that is now void area where the building used to be with two dispensers. We have also proposed a 3,400 square foot remote convenience store building to the rear of the site and we have provided parking and access drives and relocate the things as asked by the New York State DOT. We have received a letter in I guess early November from the DOT asking that we revise some of our curb cuts.

MR. PETRO: They are not the existing curb cuts is what you're telling me?

MR. VIRBICKAS: They have been shifted a little bit and adjusted. What we have had to do is take this north most curb cut on Route 32 and make it in only.

MR. PETRO: In only, okay.

MR. LUCAS: It's in only now right.

MR. VIRBICKAS: We're making it more pronounced.

MR. PETRO: It's in only now.

MR. VIRBICKAS: You can sneak in and out.

MR. PETRO: The two on Route 32 going south basically are the same, they look almost identical to the map that we have.

MR. VIRBICKAS: This one is being pulled a little bit further northward and the existing, the bus stop is being relocated to the south side of the exit from the site rather than keeping it at the north side. I guess the DOT felt that it would be safer for pedestrians.

MR. LUCAS: Got the same number of pumps.

MR. VIRBICKAS: We're down one.

MR. LANDER: They moved the curb cut 20 feet.

MR. VIRBICKAS: To allow for the landscaping along the south property line.

MR. LUCAS: I frequent there a lot and I haven't had, ever had any drainage problem there, do you expect to change any of that?

MR. VIRBICKAS: Not at all. In fact, the impervious coverage is being decreased a little bit so for the most part, it will be the same, we're reducing waste water products because we won't have the car wash anymore.

MR. LANDER: Two story building?

MR. VIRBICKAS: No, one story.

MR. LANDER: One story, 3380 what you were proposing was two story?

MR. VIRBICKAS: No, just a very tall building. I have a rendering if you'd like to see, the two story building wouldn't really work as efficiently as one would like it to work. You can see the modern facade.

MR. PETRO: Did you need the height variance for the rear of the building?

MR. VIRBICKAS: Yes.

MR. LANDER: What other variances did you need?

MR. WOLINSKY: There's a schedule. What page is the schedule on?

MR. VIRBICKAS: Schedule is on sheet number 2, what we needed was a rear yard variance for this rear corner. We also needed a front yard variance for this front line as well as a height variance.

MR. LUCAS: Did you have a lot of people or many people show up in the public hearing?

MR. VIRBICKAS: There were just two, they had comments.

MR. KRIEGER: I was there, yes, there was two.

MR. ARGENIO: How many feet is the existing building?

MR. VIRBICKAS: About 12 1/2 to 13 feet tall.

MR. ARGENIO: Square feet, the convenient store?

MR. VIRBICKAS: Convienent store itself is 1,226.

MR. ARGENIO: So you are going from 1226 to 3380 on the retail end?

MR. VIRBICKAS: Correct.

MR. WOLINSKY: But eliminating the car wash.

MR. ARGENIO: Understood.

MR. KRIEGER: I might point out as far as the variances were concerned, so you have a complete picture, even though they applied for three new ones, they abandoned four that had previously existed. They already had variances for the wings on the canopy which depicted there in gray which they formally abandoned which no longer run with the property, so that it sounds like it's, if you don't put that in, it sounds, it's misleading cause it sounds like they applied for more than the fact, they did they gave up four, I believe.

MR. LUCAS: Does the tank location stay the same?

MR. VIRBICKAS: Tank locations are staying the same, they are located now between the canopy and the building itself.

MR. LANDER: I don't know where I got two stories.

MR. ARGENIO: We received a letter, Ron.

MR. PETRO: Only about the height.

MR. LANDER: From Mr. Sleepoy, the property owner next door.

MR. PETRO: I believe I read it in the minutes.

MR. LANDER: He thought that it was going to be two story, that was his objection because it would block the view.

MR. VIRBICKAS: I wish to apologize for not making it to the last hearing because of the storm.

MR. PETRO: Mark, had we heard from the New York State DOT at all? I know that they are telling me what they have received, but do we have anything here?

MR. EDSALL: Well, I had not received anything directly but I had the opportunity to speak with Larry Wolinsky earlier and he's provided me with a copy of the letter from the New York State DOT, actually from Bill Elgie dated November 13 of last year. And that letter has enumerated several revisions that the DOT wanted to the plan and he also provided me a copy of the red line plan so DOT has already reviewed this. And the applicant has already incorporated DOT's requirements into the plan that you are looking at. So as far as I'm concerned, as long as Larry can provide a couple copies for the record to our office and the town afterwards of these items, I would think that the DOT has had their full input, obviously they'll be required to obtain a highway work permit, but that is a normal issue that happens after approval.

MR. PETRO: How about parking, Mark?

MR. EDSALL: They have, I'm sure they'll explain that, they have provided a row of parking along the southerly property line.

MR. VIRBICKAS: Right, the parking requirements come up to the town I believe for the size of this building and we have provided 13 plus a handicapped so--

MR. LUCAS: How many employees are normally on?

MR. VIRBICKAS: It varies, depending on shift to shift, I have seen in similar stations that I have represented in other parts of New York they have got anywhere from

two to three employees on any particular shift. You can also figure on the people staying at the pumps as well, they go in to pay and pick up a pack of cigarettes or whatever convenience items they might need.

MR. PETRO: So your parking is well within the code?

MR. VIRBICKAS: Yes.

MR. PETRO: Lighting I see, Mark, there is quite a few lights proposed, station mounts, wall mounts, wall packs, have you prepared a lighting plan or going by pretty much what they have had there?

MR. WOLINSKY: There's a lighting plan.

MR. VIRBICKAS: I believe it's sheet 8.

MR. PETRO: Mark, have you reviewed the lighting plan and it seems acceptable?

MR. EDSALL: Sheet 6 just a comment if you look at the set of plans they are quite extensive cause normally, this applicant prepares construction grade plans and submits those to the planning board. We had the opportunity to go through all these at the workshop and a lot of the questions that we had were resolved a while ago, but they do have a lighting plan on sheet 6 and it does provide an ample amount of lighting.

MR. PETRO: How would the drainage be peaked by the 3,380 square foot building as opposed to the 1,200 square foot building, namely the car wash, does that change?

MR. VIRBICKAS: The drainage patterns are not proposed to change which if we see anything, we'll see a slight decrease in the amount of runoff because the impervious coverage is slightly less.

MR. PETRO: That is being picked up and put into the system, gutter drains?

MR. VIRBICKAS: Yeah, the grades basically are going to

stay the same. We're going to use the existing drainage system the fun part of working with an existing site.

MR. PETRO: The entire site will be blacktopped, so I don't think there's no shale areas that we need to look at.

MR. LUCAS: Are you going to close down and do it or keep operational?

MR. VIRBICKAS: I'm not certain how they propose to work it. I'm sure they'll try to keep operational to some degree, but I'm not sure how this works, generally, when there's a building removed from the center, they shut down but it all depends on who is going to be building it and what the schedule is.

MR. LUCAS: Does that matter to you, Mike, at all?

MR. BABCOCK: No, not at all.

MR. PETRO: We have highway approval on 8/8/97, water approval 8/7/97 and fire approval on 8/12/97. One issue I want to bring up is we have a letter as Mr. Lander had brought out to us from Mr. Sleepoy requesting number of things, one of which is to have a full environmental impact study done on this site, instead of just going through the normal procedure which we did and that was part of the reason I had asked if we had heard from DOT, obviously you have been to DOT, if we can get a copy, that would take care of the outside agency which I believe is the only one. It's my opinion that the effect on this site which basically is increase of 2,000 square foot retail we're minusing two dispensing pumps and removing how many retail are we removing, over a thousand square feet, correct, removing that?

MR. VIRBICKAS: Car wash, correct.

MR. PETRO: Not just the car wash but you're removing the other retail in front, so if you net out what you're removing and adding, it's a very small impact to the site and a site of this size and where it is, it's

my opinion that we do not need a full environmental impact study and I want to put that out to the other members.

MR. LANDER: How many square feet are we eliminating with the car wash? Can anybody tell me how big the car wash is?

MR. VIRBICKAS: The balance between the structure coverages that includes the canopy, car wash and the building currently there exists 7,882 square feet, we're proposing a slight increase to 8,009 square feet so we're increasing by 27 square feet. Our paved coverage is going to drop from 56.5 percent to 51.2 percent, which is roughly 2,000 and change in square feet and we're increasing open space by the opposite 2,100 square feet.

MR. PETRO: Members of the board, let me go one step further, he's also requesting and we want to give this serious thought that a public hearing should be held at the planning board level also. Now, normally, we do not hold a public hearing if one was just held at the zoning board, we have the same zoning board attorney that we do for the planning board attorney, so he usually verifies what's important to us is the number of people who show up and the concerns of those citizens for that application. And I think we have already stated for the minutes that how many people showed?

MR. KRIEGER: Two, the author of that letter and the son.

MR. LUCAS: They were both from the same concern.

MR. KRIEGER: Voicing substantially the same opinion.

MR. PETRO: Basically the height which they believed would be a two story building.

MR. VIRBICKAS: Correct.

MR. KRIEGER: As I understand there is also a concern for the impact on the traffic due to the fact that it

is the argument as he understand the argument, not my argument, his argument is that an increase in the convenient store will increase the traffic to business done in that facility which in turn will increase the traffic situation which the author of that letter claims is a bad one already, an increase in that traffic situation on Route 94.

MR. PETRO: Let's keep in mind the applicant is removing a car wash, they are removing one set of pumps, removing two but adding one, removing 1,200 square foot convenient store already so--

MR. LANDER: Plus the car wash.

MR. PETRO: Removing car wash, convenient store and set of pumps and it has, the applicant had just stated with the net increase of minimal square footage again I stated my opinion, I just want to hear somebody else.

MR. ARGENIO: If DOT and the town highway department has signed off on that, how much of an issue is that for us?

MR. LANDER: Is the traffic going to be--

MR. ARGENIO: How much of an issue is that for the planning board?

MR. KRIEGER: I don't think there's a town highway consideration, I think both of the roads in question bordering this property, particularly Route 94 is a state road, so I think it's the basically a DOT question. As far as having signed off, you're correct.

MR. PETRO: Can I have a motion to take lead agency?

MR. EDSALL: I'd think what we're intending, since there has been a site plan review of the work by DOT already and they'll have a permit to issue separately that we're going to do an uncoordinated review, you'll only deal with your site plan issue, so there will be no lead agency because there's not going to be more than this board involved in this approval.

MR. PETRO: What we'll normally do we'll discuss the public hearing.

MR. EDSALL: Jim, can we get something in the record so it is clear? This site involves both a use permitted by right and a special permit use, if the special permit use was being modified and it's the type of operation or intensity upward obviously at that point because it's special permit use you'd be obliged to have a public hearing. But in this particular case, the special permit use is being decreased, the other changes are all part of the use which is permitted by right which the public hearing is obviously at the discretion of the board. So I just wanted the record to be clear, there's no mandate for a public hearing that it is in fact the portion that is being amended and being changed is one which you have a discretion.

MR. PETRO: It's all permitted use by right, other than the special use.

MR. EDSALL: Special permit for the gas filling station is the only portion you'd have to have and that is in fact decreasing.

MR. PETRO: Again, I want to get back to the public hearing, does anyone want to speak on that, other than myself, or is there any motion?

MR. STENT: I don't have any problem with not--

MR. LUCAS: Make a motion we waive.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive public hearing under its discretionary judgment for the Mobil Oil site plan on Routes 94 and 32 and again being that we just had one at the zoning board level, it's a part of our reasoning. With that, any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Mark, I want to go into the SEQRA process if we're doing uncoordinated review basically they don't have to be involved with the rest of the site as it stands and I'm certainly against doing a full environmental impact statement for an additional how many square feet was that?

MR. VIRBICKAS: 27.

MR. PETRO: To me, that is just, I don't like silly stuff, so I want to, unless you see some legal reason, I want to go ahead with the motion.

MR. EDSALL: We have submitted a short form on this and given all the information that you put into the record as to the change, I don't see any need for any additional information and I don't see that other than the traffic issue which has already been reviewed by the DOT, I don't see there's any other issue.

MR. PETRO: Motion to that effect.

MR. LANDER: So moved.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Mobil Oil site plan on Routes 94 and Route 32. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I am aware of no other outstanding concerns, just take our attention back to the site for one moment, do any of the board members see anything on the site, how about landscaping?

MR. LUCAS: I was going to ask you about that because restriction, height restriction, I mean there's a lot of traffic in the front there and are those all like hews and stuff in the front, are they all low?

MR. VIRBICKAS: Yeah, we specifically specified low growing shrubs.

MR. PETRO: Right-hand turn that is going to be tough.

MR. LUCAS: Flag pole?

MR. VIRBICKAS: I don't know if there's an existing flag pole or not.

MR. ARGENIO: You guys are unprepared.

MR. LUCAS: Would be nice to have one.

MR. PETRO: Once again, all the variances that were granted by the town are on the site here on the plan I see them here.

MR. WOLINSKY: Yes.

MR. PETRO: I don't see anything else. Matter of fact, I think it's an excellent plan and you did a nice job and there is not much left to the imagination. So when it's like that, just a matter of procedure. So with that?

MR. STENT: Move we approve Mobil Oil site plan.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Mobil Oil site plan on Routes 94 and 32. Is there any further discussion from the board members? If not,

January 14, 1998

19

roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MOBIL

MR. PETRO: I'm not going to read the whole letter, I got a letter from Herbert Slepoy Corporation, everybody has that, I just want the minutes to acknowledge we did receive the letter dated December 8, 1997 addressed to myself and the planning board and we'll take his comments under review and obviously, Mobil did not come in tonight because of the inclement weather. We'll take them into consideration when they are before this board. Does anybody have anything else they want to discuss tonight? Entertain a motion to adjourn.

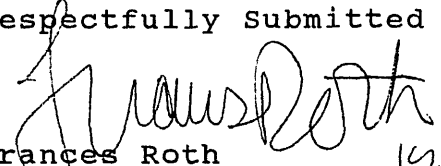
MR. LUCAS: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

12/19/97

203-740-9444



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: MOBIL OIL SITE PLAN
PROJECT LOCATION: NYS ROUTES 94 AND 32 (VAILS GATE)
SECTION 69-BLOCK 4-LOT 26.2
PROJECT NUMBER: 97-25
DATE: 10 DECEMBER 1997
DESCRIPTION: THE APPLICATION PROPOSES SELECTIVE DEMOLITION
OF EXISTING STRUCTURES ON THE SITE AND THE
CONSTRUCTION OF A NEW 3,380 SQUARE FOOT RETAIL
BUILDING. THE PLAN WAS PREVIOUSLY REVIEWED AT
THE 13 AUGUST 1997 PLANNING BOARD MEETING.

1. This application required variances and was referred to the Zoning Board of Appeals at the August 1997 meeting. The Applicant subsequently has received all the requested variances. A record of same should be in the Planning Board files.
2. The Planning Board should begin the SEQRA review process. If the Board decides to perform a coordinated review, a Lead Agency Coordination Letter must be circulated. It is my understanding that the only other involved agency is NYSDOT. If the Planning Board decides to perform an uncoordinated review, you can proceed through the SEQRA evaluation of this application independently.

In either case, I recommend that the Planning Board refer this site plan to the NYSDOT for review and comment and consider approval only after receiving input/response from NYSDOT.

3. The plans submitted are complete and, in my opinion, address the issues of a site plan as required in the Zoning Ordinance. I am aware of no concerns with the site plan package as submitted and believe same is complete and acceptable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark J. Edsall', written over a horizontal line.

Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:MOBIL2.mk

-----X
In the Matter of the Application of

MOBIL OIL CORPORATION

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES

#97-38.
-----X

WHEREAS, MOBIL OIL CORPORATION, a corporation having an office at 3225 Gallows Road, Fairfax, VA 22037 has made an application before the Zoning Board of Appeals for 30 ft. front yard, 7 ft. rear yard and 14 ft. maximum building height variances for construction of proposed new structure located at Five Corners in Vails Gate, New Windsor in a C zone; and

WHEREAS, a public hearing was held on the 24th day of November, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board by Gerald Jacobowitz, Esq. and Dainius Virbickas, P. E.; and

WHEREAS, there were two (2) spectators appearing at the public hearing; and

WHEREAS, both spectators spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is located in a commercial, C, zone in a commercial.

(b) The property is located in one of, if not the busiest commercial road intersection in the Town of New Windsor.

(c) The use of this premises is an allowable use.

(d) In 1991 the Zoning Board of Appeals granted four variances for this property. The

Applicant's plan, if granted, would eliminate three of those four variances which variances the Applicant has agreed to abandon and that they will be null and void and of no effect.

(e) The property is located on a corner and, therefore, due to its peculiar configuration has legally speaking, two front yards.

(f) The Applicant proposes to construct a new convenience building on the property, eliminate the existing car wash, reduce the size of the existing canopy and remove some of the gasoline dispenser islands.

(g) The variances if granted would allow the construction of a convenience facility with additional safety features including the attendant's ability to view all gasoline dispenser islands and gasoline dispenser emergency shutoff switches.

(h) The canopy intended by the Applicant, if the variances are granted, will contain fire suppression equipment.

(i) If the variances are granted, none of the proposed structures would interfere in any way with any easement on the property including a sewer easement presently existing in favor of the Town.

(j) The building height variance is requested by the Applicant because the building height is limited by its set back from the property line.

(k) The variances if granted would permit a canopy which would be no taller than the present canopy. The variances if granted would allow the construction of a canopy further from the road thus improving the safety of the motorists using that intersection.

(l) One of the previous variances, that for a 4 ft. front yard variance on the side facing NYS Route 32, will remain but it neither increases nor decreases if the present variances requested are granted.

(m) The variance previously granted for lot area is also retained by the Applicant but the granting of the instant requests will neither increase nor decrease that previously granted variance.

(n) The sign variances previously granted will remain although the new signage is proposed to be constructed by the Applicant which will be less than the existing signs.

(o) The objectors have an ownership interest in the adjoining property presently used by Pizza Hut.

(p) Objections were made to the present variance applications because they were for a purpose that would generate more traffic than currently exists thus injuring the interest of the objectors.

(q) No other property owners or tenants having their property on the intersection or adjacent to this Applicant, or in fact anywhere, objected or appeared at the hearing.

(r) The variances if granted will result in the site having no more gasoline pumps than it presently does.

(s) The Applicant's property is at the corner of two New York State highways and before construction can be commenced on these property even if the variances are granted, the Applicant is aware that it is subject to site plan approval by the New Windsor Planning Board.

(t) The unusual configuration of the property together with the existence of a sewer easement makes this property, and the problems of locating improvements thereon, unique.

(u) The variance requests, if granted, would result in a decrease of the developed area of the lot.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted due to the peculiar nature of the property.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed because of the peculiar nature and location of the property.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

9. The variances previously granted to this Applicant for this piece of property, i.e. (1) 1,830 s.f. lot area, (2) 36 ft. front yard on Route 94 (canopy), (3) 4 ft. front yard on Route 32 (canopy), and (4) 3 ft. side yard (canopy) under Application #91-23, are hereby deemed abandoned, are null and void and of no effect and shall not inure to the benefit of the owner of this property.

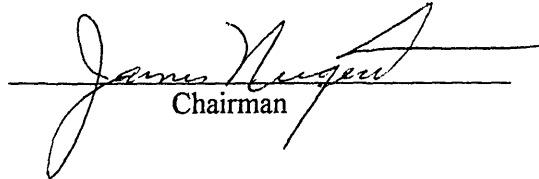
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT the following area variances: 30 ft. front yard, 7 ft. rear yard and 14 ft. maximum building height variances for proposed new structure at Five Corners in a C zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 26, 1998.


Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4615
Fax: (914) 563-4693

NEW WINDSOR PLANNING BOARD MEETING
TOWN HALL
WEDNESDAY, DECEMBER 10, 1997 - 7:30 P.M.

TENTATIVE AGENDA

CALL TO ORDER → ROLL CALL → APPROVAL OF MINUTES DATED: 10/8/97 & 10/22/97

ANNUAL MOBILE HOME PARK REVIEW:

- a. SILVER STREAM MOBILE HOME PARK - RT. 207 (CLARK)

PUBLIC HEARING:

1. SHANNON ACRES SUBDIVISION - (97-11) DEAN HILL & MT. AIRY ROADS

POSSIBLE Z.B.A. REFERRALS:

2. Mans, Clarence - Vails Gate Annex Amended Site Plan (95-35) (Cuomo)
3. Flannery Animal Hospital Site Plan (97-44) Rt. 300 (Shaw)

REGULAR ITEMS:

4. Jagger Subdivision (92-5) Union Avenue (Kartiganer) — MYRA SEND MAP TO HIGHWAY
5. Mobil Oil Site Plan (97-25) Rt. 32 & Rt. 94 (Tyree Engineering)
6. Blooming Grove Operating Subdivision - PHASE II (97-40) Toleman Rd (Zimmerman)
7. Blooming Grove Operating Subdivision - PHASE III (97-41) Toleman Road (Zimmerman)
8. Windsor Crest Amended Site Plan (97-45) Rt. 32 (Shaw)

PRESUBMISSION:

9. Destina Theaters Amended Site Plan - Squire Plaza (Kartiganer)

CORRESPONDENCE:

10. C & R ENTERPRISES SUB - REQUEST FOR REAPPROVAL (90-31)

DISCUSSION:

11. "Mommy & Me" classes at site on corner of Rt. 32 & Union Ave. (Engineer)

ADJOURNMENT

(NEXT MEETING - JANUARY 14, 1998)

MOBIL OIL CORP.

Gerald Jacobowitz, Esq. appeared before the board for this proposal.

MR. NUGENT: Request for 30 ft. front yard, 7 ft. rear yard and 14 ft. maximum building height variance for proposed new structure at Five Corners in a C zone.

MR. JACOBOWITZ: My name is Gerald Jacobowitz, attorney in Walden. We're here on behalf of Mobil and Dainius Virbickas, an engineer is also here and he will join in the presentation. And here's the short form environmental assessment form.

MS. BARNHART: For the record, I sent out 30 addressed envelopes to residents of property owners within 500 feet on November 7.

MR. NUGENT: Okay.

MR. JACOBOWITZ: In 1991, your board granted four variances for this property. The plan we have tonight for your consideration eliminates three of those four variances that you were granted. So we're not looking here tonight to add additional variances on top of what the board's previously granted. Three of the variances that you granted before are becoming moot because of the new plan but that new plan requires some additional consideration on your part. The presentation is going to be participated in by Dainius Virbickas, who's an engineer with the firm that has done the plan and he has four boards that he'd like to put on here to help in his presentation, if that would be acceptable to you.

MR. NUGENT: That is fine.

MR. JACOBOWITZ: Okay, then we'll proceed directly with that, thank you.

MR. VIRBICKAS: My name is Dainius Virbickas, engineer with the firm of Tyree Engineering, P.C. with an office in Brookfield Connecticut and other offices throughout the northeast. What we're here before you tonight

again is regarding the Mobil Service Station that is located at Five Corners section of town, located in the northwest, excuse me, the southwest quadrant of the intersection of Route 32 and 94. What I have this scale is kind of small photographs of the site or views from the site, basically showing surrounding properties and the nature of the area here. We have a direct shot from the tip of the site outward into the intersection of the Five Corners showing the service stations around. We show directly across Route 94, Dunkin Donuts, the diner, Pizza Hut, which is located directly behind our site. We have a photograph of Pizza Hut, Friendly's, the Italian deli as well as McDonald's, which is located directly to the south of this site.

MR. KRIEGER: There's also a gas station across from you and catty-corner to you, Hess, and I believe there is a Sunoco as well.

MR. VIRBICKAS: Yes.

MR. KRIEGER: So it is entirely commercially developed and it's substantial.

MR. VIRBICKAS: Correct and further I guess further westward across Route 94 is the Price Chopper supermarket, nearest residential is located beyond the Price Chopper. What I have got on this board here is just a survey of the property showing the boundary lines, the existing canopy and the convenient market located underneath the canopy as well as the car wash to the rear. These oblong or pill shaped objects are the underground storage tanks where the fuel is kept. We have also got a small remediation shed located to the rear of the site, trash enclosure just in front of that and we're bisecting the site, there's a sanitary sewer easement that cuts that way through the property running roughly east to west. This property is a corner lot which is subjected to two front yards, a side yard and a rear yard and if I may flip to the next board, this will show you basically what the setback requirements are as set by the regulations. There's a 60 foot front yard, 60 foot front yard and 30 foot rear yard and 30 foot side yard. I have also added in a shade in area that is taken away from the developable

area of the property by virtue of this sanitary sewer easement. So basically leaves us with a triangular shape with which to place a building and to conform. What we have proposed on this site I think you have all seen this before is a new convenience building located to the rear of the property just behind the existing tanks, they are not going to be removed. The canopy itself will be cut at both ends, removing the dispenser islands that are out here which are part of the variances granted in the prior applications, we'll be moving back this canopy and taking the dispenser islands that were or they are originally out here now and placing them in the center where the existing convenient mart is located. And by doing this, by moving this canopy further away from the property line we're in a sense clearing up some of the congestion that appears in that center area. Also propose to put in substantial landscaping to help brighten up the area, keep it green during the winter and also some nice low growing crab apple trees, very nice red flowers in the springtime.

MR. KRIEGER: That landscaping is in addition to whatever is there now?

MR. VIRBICKAS: Absolutely. The building itself is a 3,400 square foot convenient mart with a good portion of it going to the office space and storage and rest room facilities, both male and female as well as handicapped accessibility to the building which are the key issues. Now the buildings that most service stations have with a small building located under the canopies don't allow for much storage nor for handicapped accessibility or limited handicapped accessibility. The building facade itself will be glass facade in the front which allows perfect view for safety sake and that way a trooper coming by can see inside, see what kind of activity is going on in the store and offers a view from the store out to the dispenser aisles. It's of key importance to the person working the transaction counter which is located just to the left of the doors, to see all the dispenser islands at any given time. And a typical safety feature, emergency cut off switches are located there, canopy will be fitted with the fire suppression system

which accidentally went off over this summer, I guess things got heated up in the canopy and discharged a whole bunch of white powder.

MR. NUGENT: There's no additional curb cuts except for the ones that you have?

MR. VIRBICKAS: That is correct. Actually, we'll be shifting the curb cuts a little bit and I have sent the plans on to the state, they have come back with some minor comments. They wanted to improve the radii a little bit but keep the curb cuts where they have them.

MR. KRIEGER: You understand regardless of the action taken by this board it doesn't change in any way the curb cut requirements of the state?

MR. VIRBICKAS: Oh, I understand fully what the state says basically is what we have to do.

MR. KRIEGER: If the variances were granted, none of the proposed structures would interfere in any way with the easement that you mentioned before, is that correct?

MR. VIRBICKAS: No, they will not.

MR. KRIEGER: And the car wash that was formally on the property?

MR. VIRBICKAS: Will be removed.

MR. KRIEGER: That will be removed?

MR. VIRBICKAS: Ah-huh.

MR. LUCAS: If it wasn't for the two front yards, they wouldn't need the other front, 30 foot front yard variance?

MR. BABCOCK: That is correct, they have two front yards.

MR. TORLEY: Building height is because of the closeness?

MR. BABCOCK: Right.

MR. VIRBICKAS: Building height is limited, the building at its peak is roughly 21 feet tall but at the edges of the building where the roof itself pitches in rises up in this direction as well as in the direction so there's only a small center portion of the--

MR. TORLEY: Can you tell, show us what that building will look like?

MR. VIRBICKAS: Yes, I have a print. Basically, the building is 12 feet tall at the edges and the roof rises up just to give it the architectural aesthetics, a large flat roof building, I don't think would look very nice.

MR. KANE: New building and the cut back with the canopy don't interfere with the setbacks from the road so whoever comes up 94?

MR. BABCOCK: It's farther back from the road.

MR. KRIEGER: It's an improvement.

MR. BABCOCK: Yes.

MR. TORLEY: You mentioned that several of the previously granted variances would be moot, which ones are we talking about?

MR. JACOBOWITZ: Before there was a 36 front yard variance, under this application, there's a 30 foot front yard variance on the Route 94 side.

MR. TORLEY: Would that also cover the canopy distance?

MR. VIRBICKAS: What actually is happening the original variance that was granted was for this canopy to be at this point being the nearest point of the property line since we're cutting back the canopy itself.

MR. KANE: If they have that variance, do they need this one?

MR. BABCOCK: Yeah, it's a different application, Mike, it's a totally different building.

MR. KANE: Because it's a new structure?

MR. BABCOCK: Yeah, they are basically leveling the whole place and building new.

MR. TORLEY: Does this mean are those variances that you said will be granted moot, you're abandoning?

MR. JACOBOWITZ: That is correct, yes.

MR. TORLEY: So we're not going to--okay.

MR. JACOBOWITZ: And the other was the four foot front yard variance on Route 32 side which we don't--

MR. VIRBICKAS: This one will remain, we don't intend on removing that one.

MR. KRIEGER: Neither increases nor decreases.

MR. JACOBOWITZ: Correct, no change.

MR. VIRBICKAS: Canopy is being cut off at both ends.

MR. KRIEGER: Shortened.

MR. VIRBICKAS: Exactly, that would bring us up to the other variance which was originally required on the side yard here again because we're shortening the canopy on this edge. We no longer need the variance over there.

MR. TORLEY: So what you're asking for now will be only variances applicable to this lot?

MR. VIRBICKAS: That is correct.

MR. KANE: On the four foot front and the existing?

MR. JACOBOWITZ: And the lot area because--

MR. TORLEY: You're retaining a variance for lot area, the four foot front yard on 32 and 30 foot side yard on 94?

MR. KRIEGER: For which you're giving up 36?

MR. TORLEY: And the building height.

MR. JACOBOWITZ: Correct.

MR. TORLEY: And seven foot rear yard and no other previously granted would then be on the lot.

MR. VIRBICKAS: Except for sign variances, those will remain although the sign square footage will be somewhat reduced.

MR. TORLEY: What's the hatched area?

MR. VIRBICKAS: The hatched area, what we had initially intended was to bring the dumpster enclosure closer to the drive area and what ended up happening we found out that there was remediation or remediation taking place on the site and the remediation shed was actually part of the building with the enclosure. So rather than moving the enclosure and potentially interfering with the easement as well, we opted just to leave it so it's just a painted striping.

MR. KRIEGER: Would the remediation shed, do you envision that that will be a permanent structure or is that there so long as the DEC thinks is necessary?

MR. VIRBICKAS: At the last meeting, I stated that we may keep it. I think for the time being, we'll just consider it as temporary structure until the DEC feels that it is completely remediated at which time if Mobil chooses to keep this structure, I imagine we'll be back before the board. And if not, the structure will come down, take care of it that way.

MR. TORLEY: Mike, temporary structure we don't require?

MR. BABCOCK: No, we looked at it as that, the DEC's

requiring that building to be there, they don't want the building there, they didn't want the building there so we looked at it as that was what he had stated last time is that they might keep it for storage or whatever they might do. So I talked to Mark Edsall about redoing, modifying the thing so that we would just give, if they are here for the variance, let them seek the variance and Mark said we really shouldn't do that if it's a temporary structure, they decide to keep it. Once DEC leaves, they'll have to tear it down or come back and successfully get a variance.

MR. TORLEY: It would be too late to add that now, we could not if we wish to we couldn't, would it be improper to add a variance for that shed?

MR. NUGENT: No, I don't think it's necessary.

MR. TORLEY: They want to keep the shed, they are going to go through the process.

MR. KRIEGER: That is correct, I understand your concern, I do commend to you the thought however that this is Mobil Oil, not some little individual.

MR. NUGENT: If there's no further questions by the board at this point, I will open it up to the public. No further questions? Okay, it's open to the public, if you'd like to speak.

MR. BILL SLEPOY: My name is Bill Slepoy. So it okay if I set my stuff here? This is my father, Herb Slepoy, we have an ownership interest in the property that is adjoining Pizza Hut and we don't have a formal presentation but what we do have are questions. And I guess the first thing to say is we're not anti-progress. What we want to find out is what's going to go on so in order to avoid making a problem that exists worse and that problem has to do with traffic. That is a primary concern. When I hear what's going on, it sounds like it's trading variances but I think what's happened from what they originally got their variances, the board at that time felt that it would adequately serve the needs of the community as well as balancing the interests of Mobil Oil. But what

I hear which I believe now maybe if fewer variances will be more detrimental in its impact on the area, as opposed to before. So even though they maybe fewer variances, I think the impact will be more detrimental to the immediate area. And as I said before, the key concern is the traffic pattern around there, as I'm sure you probably all are pretty well aware of that, the Five Corners intersection has gotten to be quite a problem and we know that because of what tenants have said to us. The ability for cars to turn from 32 onto 94, also the buildup of traffic on 94 to make a turn onto 32 has gotten worse over time. And that has hurt us in the sense that tenants now say to us that the area's not as attractive as a tenant because people can't get in and out of parking, of the parking lots of the businesses in the area. What we believe by taking a building structure going from a thousand foot structure to three and a half times that is overtaking a property. It already services, works as a gas station with 14 pumps with a thousand square foot building. Now they are saying and this is one of the questions, they want to make it into a 3,500 or 3,400 square foot building. The retail space they say is 1,400 square feet, the question is what's the 2,000 additional square foot going to be that is going to be used for and how what kind of assurances if they say that it is going to be for storage, I see the use being gas and convenient store and the question is what's the entire building going to be used for. Because that is going to generate more traffic, more traffic creates more problems on the roads and thereby impacting all the businesses, not just on 94 but on 32. So that is my first question to the board is what is that spacing go to be used for. We have seen that there are a number of convenient stores in the area. We have also seen and therefore this would be the largest of all the convenient stores in the area, so it is quite large for a convenient store. So obviously, it's going to generate more traffic than what currently exists unless they hold it down to the 1,500 square feet, that is where there is a little question. The other question we have seen gas stations in the past do what's called co-branding where they brought in fast food convenient stores into a building and they operate that out of the same structure that they operate a convenient store.

That of course as you know with fast food generates a lot of traffic. So that is a concern and the question that we have, the question is and this is where I see there's no variance as far as parking because they say they need ten, they are giving you 13 parking spaces and the question is for a 3,600 square foot building whether that is really a fair amount of parking. When you look at the McDonald's next door is a 2,400 square foot building, they have over 50 parking spaces. The Pizza Hut is about 2,000 plus in square footage, they have over 30 parking spaces. Here's a 3,400 square foot structure, they are saying 13 parking spaces so something just doesn't seem to be in keeping unless it's going to be solely storage. If that is the case, that is what I am here to find out. The other question is and I don't know because when we went to the property to take a look, the traffic flow in off of 94 are cars going to continue just coming in or how is it going to flow because when you look at what happens because of the buildup, cars will go through in order to get onto 32 rather than sit in the traffic and that as an owner next door is not my primary concern, the one who's really going to be concerned with that is Mobil but it is an impact. The other question which directly impacts us and this is another question is they at the time when they granted the variance for the car wash, were given that because there was a setback and my old records show that there was a rear yard setback, this may have been what was proposed and it may have been changed, I don't know the actual square footage. But the rear yard on the car wash was 13 feet, I saw in there is they are only saying that the setback as it currently exists on the car wash, Dad, I need help.

MR. NUGENT: Seven foot, car wash is being eliminated.

MR. BILL SLEPOY: I understand we're taking what was considered at that time a change or it was not as of right now they want to make it so I guess I'm questioning whether it's only the seven feet or seven feet from what is currently there. I'm saying that I think they had greater amount, granted a greater variance way back when. I'm just trying to figure out how far back from what's currently there. But the

question is from our point of view, if they move the structure further towards 94 and they are going to make it from I don't know the height of the car wash, but if they are going to make it into a 21 foot building, then obviously, that is going to block the visibility of our Pizza Hut and the store next door to that so that impacts our location. It's going to not allow us to get what we market and what they are doing is they would be taking advantage of a situation with the rules changing. We abide by certain setbacks and everyone operates within that, but to give another landowner or another business an added advantage by changing the rules, doesn't seem to be fair to what we have at stake and that is a concern for us. The question I have is what's the height of the existing car wash? And if that is ten feet, then you figure a building that is going to be twice the size plus going to be closer to 94, so it will kill off all visibility of the Pizza Hut. One last question as far as traffic count question was was the DOT consulted as far as the impact it will have and I guess I would ask cause I know that that has been a major concern they have restructured that whole area now they have repaved it and I know they have acknowledged that it is a problem area and the DOT has always said that is a terrible intersection for the people in the community. So as far as we're concerned, if it really is a 3,400 square foot building with an existing 14 pump gas station, it's way too much use for that property in an area that already has an existing problem. And just my understanding when I last looked last year the car count on Route 32 is about 16,000 cars a day and Route 94 about 8,000 cars a day. That is a lot of cars. That was before the Price Chopper went in. So as you see, it's a problem. We enjoy having business in the area but now when people now say you know it's so bad there that we don't even want to shop there because we can't even get through. That is what we see this making a problem worse, the idea that Mobil when they went and built this five years ago and got their variances they have the means by which to go and tear down and start over again until they get it right. The problem is there is such a problem in that location if the board were to grant these variances, there's no way they can ever remedy the situation. So there's a greater risk to allow the

property to be overburdened than the reward of bringing more to the community. So that is all I have. My father was going to fill in.

MR. HERBERT SLEPOY: I just want to, gentlemen, I just want to say that this evening, when we drove up before we came here, we went to the site. And this is what I saw at the site. We pulled into the gas station, we sat there a little bit and cars were coming from 94, cutting across to 32 to avoid the corner, okay. We also noted nobody could get out, cars were stacked up from the corner back to the, I'd say almost the automobile supply store. Now, you're going to take and put a convenient store back there again which is going to hopefully they are going to generate more because you don't spend that kind of money on 3,600 square feet just for storage. So the hope is that they'll generate a greater amount of traffic to make this thing pay and if they do that, then of course you can even imagine people trying to get out. In order to get out, you had to fight the guy who was coming down so that you know everybody was jockeying to go, I'm beating you out, you're beating me out, and that was what you had this evening. I also feel that and I think my son addressed that point, this is a 14 pump station, I don't think there are, you can count that many stations in Orange County that have 14 gas pumps which will tell me or tell you gentlemen that 14 pumps is a hell of a station and a lot of traffic in order to pump, I would tell you and I don't know the numbers but my experience tells me they do probably 2, 2 1/2 million gallons a year. There are very few stations in the United States that pump that kind of money. Now, here they are coming along and saying hey, that is not enough, we want to even generate more money out of this place, all right. I think it's uncalled for. They are traipsing on my value next door and saying we don't care what's behind there, if you can be seen or you can't be seen, doesn't matter, we're going to build a 1 or two story building, we're going to put a point to it, we're going to come up from 60 feet, we're coming down to 30 feet. I mean you know, I am a tax payer as they are a tax payer and I think I'm entitled to some protection under the code and under zoning which says everybody should be set back at least 60 feet. You gentlemen were very

magnanimous by giving them what you did previously. Now they are saying that wasn't enough, we want more. So, what also scares me is today it's 3,600 square feet of so-called, I call it a mini-supermarket, and what will it be tomorrow when you have an existing building of 3,600 square feet. Possibly can turn it into a sit down kind of situation cause that will generate even more money. Only ten car spaces, all right. It will never end and meanwhile, the community is suffering and struggling and battling. I think my personal feeling is traffic study should be done, I think that the DOT should be consulted for their opinion as to what they feel the impact will be. I will guarantee you that they are scratching their heads how do we solve that problem at those Five Corners. It's an unsolvable solution and if you are going to help compound it then of course it will even get worse and I think that in itself would tell you that Mobil is Mobil, as the gentleman said, but they don't know when to stop. Okay, 14 pumps is not enough gasoline that they want which will also generate more money. Thank you.

MR. NUGENT: Thank you very much. I'll close the public hearing and open it back up to the board. I think that they need some questions answered.

MR. JACOBOWITZ: Yes, I'd like to try to answer those for the board for the record tonight if I might.

MR. NUGENT: Yes.

MR. JACOBOWITZ: There aren't going to be more pumps added to the site. The site plan for this project has to go to the planning board for their approval and the plan that has been submitted there aren't more pumps.

MR. HERBERT SLEPOY: There are 14 now.

MR. JACOBOWITZ: We're not adding anymore pumps so the attraction for more cars to come in and get gas it's not because there will be more pumps there. Five Corners is a very busy place and it's a great place to try to do business in the Town of New Windsor, as I think you're all witness to by virtue of what you have seen built in that area over the years, it's a great

place to do business, that is probably why these folks chose to build a Pizza Hut as close to the corners as they were able to buy land to build a Pizza Hut. So to condemn this project because it is economically viable, and economically successful is really not an appropriate comment for the board. If Pizza Hut brings cheese to the edge and brings in 5,000 more customers a week, that is good for them. The public wants that, the public is going to get it at Pizza Hut, they advertise Pepsi Cole who owns Pizza Hut, they advertise millions of millions of dollars to get people to come into Pizza Hut, that is the American way. We're not doing anything here that is going to exacerbate the traffic conditions. Now, as far as traffic conditions go, applied to DOT, they are the ones who control what happens on and off the state highways at this intersection. They chose not to require traffic study, they have reviewed the application, they are processing it and they'll respond to the town and to us with a letter of whatever. And so far it's merely a technical matter of radius of turning areas and that is what they are requiring, they are not ringing their hands and jumping out of windows up at Burnett Boulevard because of the traffic problem at the Five Corners, contrary to what the characterization is if they wanted to, they would make that known to the Town of New Windsor as response to the application that has been made and they have not done so. The building layout, the building is the size that we have indicated. The retail selling area is around 1,400 to 1,500 square feet depending on whether you include a counter area as part of retail square footage, the number of parking spaces is based on what your ordinance requires under those circumstances. If we needed more parking, then we have, we would have had to ask for a variance for it. Obviously, the building department did not determine that we needed more parking than is shown on the property on this plan. So, there's no need for more parking based on the nature of the use that is going there. There is already a use basically the same as what's proposed here on this property. It takes up approximately a thousand square feet. The car wash is approximately a thousand square feet. The car wash attracts cars to this site. That is being eliminated. So if it is a matter of what's going to attract more

people to this site the car wash is there, it's attracting people to the site, it will no longer be there. If it attracts more people to this site for gas, because the convenient store is a different configuration and slightly larger, there's nothing inherently wrong with that. Now whether there will be more or less cars because there's no car wash and there's a convenient store is really not an issue for the DOT that controls this intersection. And I think that is an adequate explanation for this issue, I mean it's a scare issue, the detrimental impact to the immediate area, there is gas stations across the street in two directions, there is a diner that is fairly new, across the street on Route 94.

MR. KRIEGER: Three gas stations, actually.

MR. JACOBOWITZ: Okay, there are three, the shopping center has been revitalized since we were in for this 1991 variance. And that shopping center has brought traffic to that area. And it's to the benefit of everyone the more cars that come to the shopping center the more cars there are who will go to Pizza Hut, the more cars will come to the Mobil. That is the nature of the C zone that you have created in the town to get economic development here. The tenants' complaints, I'm not sure I understand what that is. They own their property, they have a lease with Pizza Hut or Pepsi Cola and whether it's got 50 more years to run or 20 more years, whether the rent is 35 dollars square foot or 12 dollars a square foot hasn't been raised here. There is no basis for their claim that there's any kind of economic detriment to them, they put nothing in the record, they are establishing that merely some vague generalizations, I don't think that is the appropriate basis for you to deny this request. There is no evidence of economic detriment in this area. The law on these kinds of variances has changed since we were here in 1991. The state has tried to make it more intelligible and more meaningful and the standard when you balance the benefit to the applicant if you grant the variance against what the detriment to the health, safety and welfare of the neighborhood or community is that is the standard that you use to decide whether to grant area variances and that is what this is. And to

accomplish that you have five tests that you have to apply, one of them is whether the desired change will alter the character of the neighborhood or create a detriment to the neighborhood by virtue of the variance if you granted them. The neighborhood as is shown on the photographs of the intersection and its immediate environs is commercial. This is going to be a new investment of dollars at this location with a new building. The canopies are going to be cut back substantially so that the bulk size of this is going to be reduced to the, for perception and to the eye and it's a neat, clean, modern facility, it was that way in 1991, it's that way today and it will be that way after and if you grant the variances and the project is completed. That is the way this property owner takes care of their property. Can the variance be obtained by some other way? I think that the reality here is the configuration of the property and the restraint that is here by virtue of the sewer easement, when you get done and because it's a corner, so you really have created a situation where actually I think even if you meet the yards, the height of the building is a problem for most buildings because of the nature of the standard of four inches of height for every foot but to the nearest boundary. So it's a very difficult needle to thread to come within your ordinance because of the way that those things work. And when you have a lot that is somewhat an irregular shape and that irregularity is compounded by the sewer easement that goes through, cutting, slicing through diagonally, it makes using it and meeting those area variances very difficult. So, to find some other way to solve this is very difficult, yes, if the easement were not here or if it were not 30 feet, the building could be located differently. But it isn't that way, that easement is there and it's a town easement, a sewer line goes through there that the town has, the easement was granted by Mobil to the town. It's a reality and it's very hard to try to work around such a reality and find some other way of meeting the need. There is also some very significant other physical factors, the tanks are right here, and this area is not going to be disturbed. There is a requirement that the building not be more than a hundred feet away from the emergency switch offs at the pumps and we just meet it here from all

directions to the pumps. So we have got those factors that we must live with as well. So trying to eliminate these area variances under these circumstances is very difficult. As I mentioned before, there's an intrinsic restriction that is difficult. If you meet the 30 foot rear yard and that is the shallowest yard that you have at four inches, that is 120 inches, that is ten feet so you can't have a building more than ten feet, if you meet the rear yard of 30 feet. So you immediately have this intrinsic problem to solve because of that dimension. The third test is will the proposed variance have an adverse affect or impact on the physical or environmental conditions in the district or the neighborhood. We're not changing anything. This is a gasoline service station, that is what it is, that is what it's going to be. The physical changes here are basically removing one building, two buildings replacing it with a single building, it's a permitted use in this zone, there's no new environmental or physical problems being created. The tanks are all remaining in the same place as I indicated no additional pumps eliminating the car wash, we're going to reduce the volume of water that we need from the town system and correspondingly, we will reduce the amount of sewage discharge into the town system and the town sewer plant is already at its theoretical limit for DEC purposes. So there is a moratorium in effect, we'll substantially reduce the amount of water that we're using and discharging. There will be some more water available for other users in the town and sewage disposal available, some other users in the town by virtue of that. Now, one other thing with respect to the physical changes there will be an increase in the green area and the corresponding reduction in the impervious area and I think on the plan had the green on it, you can see that there's a very substantial amount of area that is going to be green here with plantings and we think that is going to enhance the appearance of the corner and of this property. The fourth test is whether the difficulty is self-created. The problem doesn't arise because of any self-created condition. The lot is the size it is. The sewer easement is where it is, it's a corner lot and your zoning law has the dual requirement that you have both sides are front, okay. The shape of the lot creates a

bit of a problem because as you can see, it converges so it gets more toward the back. And the last part of it is the market dynamics, we didn't create the market conditions that exist in 1997 in the United States for service stations. It's changed. We all used to remember the garage that went in that had two pumps and you went there because you got your car serviced and taken care of and repaired and the tires changed and I'm dating myself I think that is not the way it is anymore. Now, a service station provides a larger gambit of service to the automobile driver and that is the kind of need that has to be satisfied if you want to stay in business. Pizza Hut brought the cheese to the edge of the pizza pie because that is what they thought the public wanted. It's somewhat where we are, we don't have pizza pies but we're trying to make sure that we're modern and competitive. You know when you come in and you ask for these things, the question is, you know, what are you giving, you're getting, what are you giving. I think I have covered a number of those kinds of things and I don't want to take more of your time repeating the same thing, I know you have been attentive but we're not trying to capture the world, we're just trying to make sure this location maintains competitive to the marketplace that we're in by providing a modern facility that is going to be attractive and is going to be appropriate utilization of the land. If there's any other questions, I'd be more than happy to answer it.

MR. NUGENT: I have one question that they brought up, in regards to the square footage of the store area, whatever you want to call it, is that in fact do you have a layout of it?

MR. JACOBOWITZ: Yes.

MR. HERBERT SLEPOY: You make a statement about and I just want to address that and my son has something to say. You say Pizza Hut brought to the edge, okay.

MR. JACOBOWITZ: The cheese.

MR. HERBERT SLEPOY: Except they didn't do it on somebody else's back, they did it within the confines

of their present building, not infringing with a 3,600 square foot building which now affects the adjoining property, steals his visibility, height and depth, they did it with a 60 foot setback because that is the requirement, not come in and say we want to add more cheese, we now want 30 feet, okay. They did it within the confines of the code and whatever they do, they do it in code with no special variances to accomplish and infringe on other people's properties and values. So just for the record.

MR. NUGENT: Address the bench, not him.

MR. HERBERT SLEPOY: That is what I feel we are encountering some of the things that the gentleman has brought forth to the board.

MR. BILL SLEPOY: The only thing I would add he made reference to it being a scare issue as far as the traffic is concerned and I don't feel that people in the community would feel that is a scare issue, it's a real issue people face every day, obviously the gentleman doesn't drive through that intersection on a daily basis. I don't know the coverage of this lot, are they going to be using more coverage on the building that presently exists or is it the same coverage or less coverage?

MR. TORLEY: Total developed area is less.

MR. JACOBOWITZ: Less.

MR. NUGENT: Less coverage.

MR. BILL SLEPOY: As far as the building goes?

MR. TORLEY: Total area.

MR. BILL SLEPOY: Okay, I'm saying though as far as building coverage is it more or less?

MR. VIRBICKAS: About 25 square foot more.

MR. BILL SLEPOY: You're saying that a 1,200 square foot convenient store and 1,000 foot--

MR. VIRBICKAS: And the canopy.

MR. BILL SLEPOY: I'm talking about the business generated.

MR. KANE: That is coverage in--

MR. NUGENT: Anything that is covered on the ground.

MR. BILL SLEPOY: Then I'm using the wrong language. What I'm trying to get at is the fact if you take what currently exists, structures that add up to 2,200 square feet and add additional thousand square feet, the intent is bringing more business to the location. The fact that they are doing away with the car wash and replacing that with a 3,600 3,400 square foot building, it's with the intent of doing more business than what was currently being done at the time at the car wash. So the idea is to bring more traffic to the area, the idea of an area supporting the use, the question then is if we come to the board and say I can build a ten foot building, and have people occupy that building is that thereby an anti-competitive request for other people, is it anti-competitive for a neighbor of mine to say that is over using the property, what this gentleman is saying because people will support that business, it's thereby beneficial to the neighborhood no matter how extreme it gets and no matter how much the community has to pay. We're not trying to prevent Mobil from making money, we're all here to make money. The question is what do other people have to pay in order for Mobil to make more money. And that is the objection that I have and that I take from his comment about us as land owners building a building, well we built it within the code. We're not asking you to build a ten foot building on that site. If the area will support it, then maybe if this is what happens it makes one think twice. The other point what we're asking for the board to consider these questions that we ask and we would be glad because he did make a comment that we offered nothing to the record as far as values, we would be glad to bring in an expert to talk about value and the impact it will have on our location. Common sense would say if you block a

visibility of a site at a very busy traffic intersection and leaves everyone to guess what exists there, it's going to hurt the property value and we'll be glad to provide the board with an expert that can offer that into the record. So that is what I have to say.

MR. HERBERT SLEPOY: I have one more thing to say. The gentleman talks about the DOT having no concerns. The fact is, they didn't really ask them, the DOT doesn't come in and say hey, I have got great concerns, they have got to be asked. Mobil didn't ask, up to this point nobody has asked for their opinion and therefore, that is where you haven't heard, they don't volunteer to come in and say I just don't like what's being done. They were asked about a curb cut, sure, on curb cut, there was nothing wrong. We're moving another two feet, if you make this little change and that little change, that we'll recognize and accept but take it on the whole picture, then I think it might be a little different story. And I think that if you brought a traffic consultant and asked him what he thought, I think then you're getting a professional opinion, not Mobil's opinion of the issue and I think it should be studied professionally and on a major scale because it's going to have a major concern for years to come, which is going to be undoable and you're taking from a, talking 3,600 square foot building, where will we go with that 3,600 square foot building, this layout is fine. Next year, it's a whole different layout, a different use on a piece of land that was intended to be a gas station, not supermarket and gas station and car wash and bank. When does it stop? Okay, that is all, I think I have made my point. Thank you.

MR. NUGENT: I want to close the public hearing at this point and open it back up to the board.

MR. KRIEGER: Addressing myself first to the applicant. You have to understand that if the variances that you seek here are granted, you're still before construction subject to site plan review by the planning board.

MR. JACOBOWITZ: Yes, sir.

MR. KRIEGER: And that includes environmental review?

MR. JACOBOWITZ: Correct.

MR. KRIEGER: Which includes but is not limited to the entire question of traffic, it's also going to include but not be limited to the number of parking spaces.

MR. JACOBOWITZ: Correct.

MR. KRIEGER: This is not the last time that you will be addressing those questions, regardless of what this board does. Next is a question if the building height variance that you seek is granted, will the building that is constructed appear to be substantially higher than the surrounding buildings to a person viewing them?

MR. VIRBICKAS: It's, it will be blocked by the canopy, it's the peak of the roof will be lost in the actual canopy, the canopy height is generally to the bottom is 15 feet and to the top is about 18 feet. So as you view it from a distance, the canopy will be blocking the top of it.

MR. KRIEGER: So it will be blocking the view if someone were foolish to stand in the middle of Five Corners?

MR. VIRBICKAS: I was almost that foolish to take pictures.

MR. KRIEGER: Will the canopy height, if these variances are granted, will the canopy height change from what it is currently?

MR. VIRBICKAS: Not at all.

MR. KRIEGER: Last question addressed to Mr. Jacobowitz you said you referred to the requirement that the pump shut-off be within a hundred feet of the pumps, this requirement is contained in the state building and fire code or where?

MR. VIRBICKAS: In FBA 30-A fire codes.

MR. NUGENT: Any other questions by our members? I think that the subject has been discussed at great length.

MR. TORLEY: Mr. Chairman, will you entertain a motion?

MR. NUGENT: Yes, I will.

MR. LUCAS: One quick question. Can we vote as a package or can it be voted on separate issues?

MR. NUGENT: I think this one has to be voted on as a package because it's three variances that are required for one building, it's not something we can tear apart.

MR. TORLEY: I would like to make a motion we approve the request for 30 foot variances with one proviso and I would request help from the attorney and the attorney from the applicant, we spoke briefly earlier about wiping out all variances, is it possible for you guys at this point to arrange to have that in there?

MR. KRIEGER: That is in the record so if the variances that you propose were granted, they would be barred from using any of the prior variances, they would have been as you correctly termed it abandoned.

MR. TORLEY: And that is--

MR. JACOBOWITZ: I orally represented that on the record and when Mr. Krieger does the resolution, he will I'm sure specifically identify those by date and decision number and whatever else is needed to make sure that we're all on the same page.

MR. TORLEY: In that case, I will make the motion we grant the variances.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE

RETAKE
OF
PREVIOUS
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ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE

November 24, 1997

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MR. KANE AYE
MR. NUGENT AYE

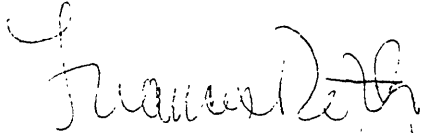
MR. TORLEY: I move we adjourn.

MR. KANE: Second it.

ROLL CALL

MS. OWEN AYE
MR. TORLEY AYE
MR. KANE AYE
MR. NUGENT AYE

Respectfully Submitted By:


Frances Roth
Stenographer

12/3/97

MOBIL OIL CORPORATION

MR. NUGENT: Request for 30 ft. front yard, 7 ft. rear yard and 14 ft. maximum building height variance for proposed new structure at Five Corners in Vails Gate.

Mr. Dainius L. Virbickas of Tyree Engineering, P.C. appeared before the board for this proposal.

MR. VIRBICKAS: My name is Dainius Virbickas. I'm with Tyree Engineering in Brookfield, Connecticut. Just briefly, what Mobil Oil wishes to do, this is currently located at Five Corners section of town at the intersection of Routes 32 and 94, it's currently the location of a Mobil Oil service station with the long dispenser island canopy across the front of the site, with a one thousand roughly square foot convenient store underneath the canopy. And the car wash along the rear of the property, what Mobil Oil wishes to do at this time is to demolish the existing building underneath the canopy and car wash and build a remote 3,400 square foot convenient store on the site. In order to do this, some variances will be required, including a front yard setback off of Route 94 roughly 30 feet here, roughly a 7 foot setback off the rear property line as well as a height variance for the building. The allowable building height now is about 8 feet based on its distance from the rear property line and Mobil proposes to the peak of the roof roughly 21 feet.

MR. TORLEY: 21 feet?

MR. VIRBICKAS: Including the peak, yes.

MR. NUGENT: All other buildings that are on the property now will be gone?

MR. VIRBICKAS: Except for the exception of the canopy itself.

MR. NUGENT: The actual canopy, the canopy and dispensers, the canopy will be reconfigured currently, let me show you on the survey just a little bit.

MR. TORLEY: Gray area on the other side was the existing structure?

MR. VIRBICKAS: Correct. What we propose to do is cut back the canopy and cluster the dispensers under a smaller canopy, this way provides good view from the transaction area inside the building of all the dispensers and what is happening outside.

MR. TORLEY: So, actually, one of the variances you required previously was for the canopy encroaching on the side yard that is actually being removed?

MR. VIRBICKAS: Well it will be removed to a point.

MR. TORLEY: It's a lesser.

MR. VIRBICKAS: Correct, we're lessening this one but increasing the one that was required for the car wash.

MR. TORLEY: Where is the car wash?

MR. VIRBICKAS: It's roughly in this portion of the property.

MR. TORLEY: Are you encroaching any further on the back line than the car wash was?

MR. VIRBICKAS: Car wash itself is roughly 41 feet from the rear property line and the building now at its nearest point is roughly 24 feet to the property line, about 14 feet further back and this is partially because of a sanitary sewer easement that crosses the southerly portion of the property. Wasn't for that, we could shift things and configure it a little bit differently, it's forcing us out into the street.

MR. TORLEY: Are you actually further closer to 94 than the car wash was, given the angle of the lot?

MR. VIRBICKAS: Yes, we are. Right now the car wash is roughly 61 feet and we'll be 30 feet.

MR. NUGENT: I can hear the guy next door coming in for line of sight.

MR. TORLEY: Well, I'd frankly be glad to see the canopies reduced in scope.

MR. NUGENT: Much neater looking.

MR. VIRBICKAS: What it is going to do is consolidate the site and it many allow for well, right now, the way the canopy, the structure under the canopy there is a whole bunch of blind spots when you are trying to travel around the building. This way from moving the building out from underneath the canopy, all the activity will be out in front and everything in the store will be set back away from it all.

MR. REIS: What's the southwest corner, what's that?

MR. VIRBICKAS: This is a remediation shed right now, New York State DEC is overseeing the remediation of the site. I can get you some information on that.

MR. TORLEY: That hatched area is what?

MR. VIRBICKAS: This hatched area is just existing pavement that is going to be striped to provide access to the dumpster enclosure and the remediation shed. The initial plans that we had gone before the planning board with propose demolishing the shed here and putting a new dumpster enclosure over at this portion of the site and we have since changed the site plan a little bit to not propose a new dumpster enclosure and leave the existing one where it is just because of the expense.

MR. TORLEY: Didn't you get a variance? Was there a variance for the existing dumpster and remediation shed?

MR. VIRBICKAS: That I'd have to check.

MS. BARNHART: No.

MR. TORLEY: Mike, would that require one?

MR. BABCOCK: Well the reason we didn't say is because

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the plan we have says is to be removed so we didn't.

MR. TORLEY: We'll stick it in with the others.

MR. VIRBICKAS: Right and I have got additional plans, to whom should I give them to?

MR. NUGENT: We have a set.

MS. BARNHART: We already have a set.

MR. VIRBICKAS: These have just been revised just to show keeping the remediation shed there.

MS. BARNHART: These are dated July 1, '97?

MR. VIRBICKAS: We revised the date straight through today.

MS. BARNHART: Then you have an extra set.

MR. VIRBICKAS: I have got four sets.

MS. BARNHART: We would like to have one.

MR. TORLEY: Do you want to get your new one now Mike?

MR. NUGENT: He is going to have to go back to the planning board then right?

MR. BABCOCK: Jim, I think since that he is, my feeling is that I don't think it's really a big deal. The building's existing, the planning board did approve it for the original site and I understand might tear down the dumpster area, tear down the dumpster area and move it when it's already existing. He's got to go back to the planning board after he gets the variances if he's successful. I think what he has to do is we have to do a new denial to include it, I just told him about that.

MS. BARNHART: I just told him about that.

MR. TORLEY: We don't run into anything with SEQRA on this do we?

October 27, 1997

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MR. KRIEGER: No, not for this. SEQRA review as necessary will be done by the planning board upon site review.

MR. VIRBICKAS: Is it something that can be done currently with the zoning board of appeals application?

MR. KRIEGER: Since it is an area variance that is sought, or area variances that are sought, it's not necessary for the Zoning Board of Appeals to do a SEQRA review. It will be necessary for the planning board to do it when it gets there if it gets there.

MR. VIRBICKAS: Okay.

MR. REIS: What's the total square footage of the new building?

MR. VIRBICKAS: New building is roughly 3,400 square feet.

MR. REIS: How much is the existing building?

MR. VIRBICKAS: The entire size of the building will be 2,400 roughly square feet larger than what currently exists, existing building I think is 960 square feet.

MR. TORLEY: I'm happy to see the canopies get shrunken down but I will ask you this. When you get to the public hearing why do you need a 20 foot high building?

MR. VIRBICKAS: To give the peak roof, that is why it is required but we'll come back with that at the hearing.

MR. REIS: Accept a motion?

MR. NUGENT: Yes.

MR. REIS: Make a motion that we give Mobil Oil Corporation public hearing on their requested variance.

MS. OWEN: Second it.

ROLL CALL

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MR. REIS	AYE
MS. OWEN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: I think I sent some of the paperwork to Rachael, I'm not sure if I sent all of it, I think she's got the initial procedure, but you can take the rest of these.

MR. KRIEGER: When you come back, if you would address yourself to the criteria set forth on that sheet, I would appreciate it, since that is the criteria, those are the criteria that the state mandates that must be considered and I will need to look at the deed and title policy of the property when you come back again, I don't need to keep them, just look at them.

MR. TORLEY: Do we have a proxy on file or are we going to need one if he's not the owner?

MR. KRIEGER: If he's not the owner, yes.

MR. BABCOCK: We have a proxy in the planning board file. I don't know whether that is the same.

MS. BARNHART: Just give me a copy of it, Mike.

MR. NUGENT: Okay, I guess you're all set.

MR. VIRBICKAS: That is the easy part. Thank you very much.

#1-2BA 10-27-97
SET UP FOR P/H

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 97-25

DATE: 17 SEPT '97

APPLICANT: MOBIL OIL CORPORATION

3225 GALLOW'S RD.

FAIRFAX VA 22037

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 4 AUG '97

FOR ~~(SUBDIVISION)~~ - SITE PLAN) _____

LOCATED AT RT 94 & RT 32 (FIVE CORNERS - VAILS GATE)

_____ ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 69 BLOCK: 4 LOT: 26.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

FRONT YARD SETBACK OF BUILDING TO RT 94,
REAR YARD SETBACK OF BUILDING, BUILDING HEIGHT
VARIANCES.


MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>C</u>	USE <u>A-1 & B-5</u>	<u>38,022 SF (NET)</u>	<u>PRE-EXIST'G</u>
MIN. LOT AREA	<u>40,000 SF</u>	<u>42,604 SF (GROSS)</u>	<u>—</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>232' (RT 94)</u> <u>228' (RT 32)</u>	<u>—</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>BLDG. 30.31 (RT 94)</u> <u>CANOPY 55/50.28</u>	<u>30 FT REQUESTED</u> <u>PRE-EXIST</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>BLDG 73.5</u> <u>CANOPY 54.5</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>N/A</u>	<u>N/A</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>BLDG 23.6</u>	<u>7 FT REQUESTED</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>N/A</u>	<u>—</u>
MAX. BLDG. HT.	<u>4' FT NLL</u> ^{78'}	<u>BLDG = 21.0 FT</u> <u>CANOPY 18.5 FT</u>	<u>14 FT REQUESTED</u> <u>PRE-EXIST</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>< 0.5</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>N/A</u>	<u>—</u>
DEV. COVERAGE	<u>N/A</u> %	<u>N/A</u> %	<u>—</u> %
O/S PARKING SPACES	<u>10</u>	<u>14</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

MOBIL OIL SITE PLAN AMENDMENT (97-25) CORNER ROUTE 32 & 94

Mr. Dainius L. Virbickas, P.E. of Tyree Engineering, P.C. appeared before the board for this proposal.

MR. VIRBICKAS: My name is Dainius Virbickas, I'm an engineer with Tyree Engineering, Brookfield, Connecticut and I'm here tonight to just give you a brief overview of what we hope to do with the existing Mobil site, Mobil service station located at Five corners in New Windsor intersection of Routes 32 and 94. Right now, what exists is a car wash building in the rear of this site along with storage dumpster enclosure further to the southwest corner of the site and a long canopy across the front section of the site with five full dispensers and a small convenient store located underneath the canopy. What Mobil wishes to do at this site now is eliminate the car wash, knock back the canopy and put in a dual row of dispensers.

MR. PETRO: We went through a lot of work to put that car wash in there, remember that with Pizza Hut and all the problems with that?

MR. LANDER: How long has that been in operation?

MR. VIRBICKAS: Probably four or five years.

MR. PETRO: Anyway, you're going to remove the car wash?

MR. VIRBICKAS: What Mobil wishes to do is remove the car wash, demolish the building, rework the canopy and dispenser aisles, make that more compact and put 3,400 square foot convenient store towards the rear of the site.

MR. PETRO: That is why you are here, not here for the demolition or reduction of the canopy, you're here because you're going to be adding three or four thousand feet to the existing building?

MR. VIRBICKAS: Demolition and other things we're going to require some variances.

MR. LANDER: Is that the canopy that is being encroaching on that front yard setback?

MR. VIRBICKAS: Canopy will still be encroaching on the front yard setback but considerably less. Right now, we're roughly 25 feet off of Route 94, we'll be pushing it back to about 50 feet, what we're going to do lop off about 25 feet off either end but we'll require variances to develop the property like this.

MR. PETRO: To develop the new addition, the other ones don't concern us.

MR. VIRBICKAS: Right, yeah, we're going to need a variance to develop the new building here roughly what we'll need.

MR. PETRO: Rear yard, side yard?

MR. VIRBICKAS: We'll need front yard off of 94 also this rear yard setback, the other thing we'll need is a variance for as well as the height of the building.

MR. PETRO: Everybody needs that.

MR. VIRBICKAS: I did find also after we had made our submittals that there were variances granted for setbacks in signage, the signage that is there now is over the amount granted by the variance by a couple feet.

MR. PETRO: Might as well clean it up.

MR. VIRBICKAS: Yeah, we're going to have to modify the application.

MR. PETRO: Some of the signage, Michael, was increased, is it still over the increased amount?

MR. BABCOCK: Until they give me the calculation, I really don't know.

MR. VIRBICKAS: It's a little bit over.

MR. PETRO: On today's code, not the code then because the code has changed, signage has increased, you may want to check that, you might not be over. Can I have a motion to approve the Mobil Oil site plan on Route 94?

MR. DUBALDI: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Mobil Oil site plan. Is there any discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	NO
MR. STENT	NO
MR. LANDER	NO
MR. LUCAS	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for the necessary variances that you may require for this site. Once you have received those variances and put properly on the plan, you may then apply back to this board and we'll further review it.

MR. VIRBICKAS: Thank you very much.

ABUTTING PROPERTIES:

Prekas, Steve
3 Warden Circle
Newburgh, NY 12550

Prekas, Steve
c/o ACSIS Foods, Inc.
PO Box 212
Vails Gate, NY 12584

Franchise Realty Interstate Corp.
c/o Colley & McCoy Co.
PO Box 360
Windham, NH 03087

Leonardo, Constantine
94-96 Maple St.
Newburgh, NY 12550

Leonardo, Samuel
7 Dogwood Hills Rd.
Newburgh, NY 12550

Gardner Plus 3
104 So. Central Ave.
Valley Stream, NY 11580-5461

RESULTS OF P.E. MEETING

DATE: August 13, 1997

PROJECT NAME: Mayo, Rachel for Mobil PROJECT NUMBER 97-25
Oil

LEAD AGENCY:

* NEGATIVE DEC:

M) S) VOTE: A N

* M) S) VOTE: A N

CARRIED: YES NO

* CARRIED: YES: NO

PUBLIC HEARING: M) S) VOTE: A N

WAIVED: YES NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.E.A.: M) 0 S) 1 VOTE: A 0 N 5 YES ✓ NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Car Wash to be removed



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: MOBIL OIL SITE PLAN
PROJECT LOCATION: NYS ROUTES 94 AND 32 (VAILS GATE)
SECTION 69-BLOCK 4-LOT 26.2
PROJECT NUMBER: 97-25
DATE: 13 AUGUST 1997
DESCRIPTION: THE APPLICATION PROPOSES SELECTIVE THE
DEMOLITION OF EXISTING STRUCTURES ON THE SITE
AND THE CONSTRUCTION OF A NEW 3,380 SQUARE FOOT
RETAIL BUILDING. THE PLAN WAS REVIEWED ON A
CONCEPT BASIS ONLY.

1. This application involves, in general, removal of the existing car wash facility, removal of the existing retail building (partially under canopy) and the construction of a new retail building and trash enclosure, as well as a modification to the existing canopy (being made smaller). In addition to these changes, site paving, curbing and other modifications are proposed.
2. The project is located within the Design Shopping (C) Zoning District of the Town. The "required" bulk information shown on the plan appears correct for the zone and use group. The "existing" and the "proposed" values appear reasonable, although the existing front yard (Route 94) value should be verified. In addition, the net area value provided should be indicated as pre-existing.

Based on the Applicant's information, three (3) area type variances are required. It is my recommendation that this application be referred to the Zoning Board of Appeals for appropriate and necessary action.

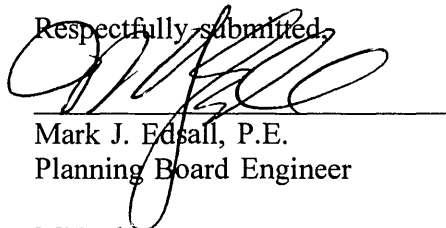
3. Concurrent with the ZBA referral, I suggest that the Planning Board begin the SEQRA review process and make referral of the plan to the NYSDOT.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: MOBIL OIL SITE PLAN
PROJECT LOCATION: NYS ROUTES 94 AND 32 (VAILS GATE)
SECTION 69-BLOCK 4-LOT 26.2
PROJECT NUMBER: 97-25
DATE: 13 AUGUST 1997

4. The Planning Board may wish to authorize a Lead Agency Coordination Letter with regard to this application. To my knowledge, the only other involved agency is the NYSDOT (the ZBA will perform its own uncoordinated review).
5. At this time, I have not completed my detailed review of the plans submitted. It is anticipated that the Planning Board will complete a preliminary review of the plans at this meeting and advise of any specific concerns that they may have, which I can review as part of my further review of the application.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:MOBIL.mk



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

RECEIVED

AUG 07 1997

N.W. HIGHWAY DEPT.

PLANNING BOARD FILE NUMBER: 97 - 25

DATE PLAN RECEIVED: RECEIVED AUG 4 1997

The maps and plans for the Site Approval ✓

Subdivision _____ as submitted by

_____ for the building or subdivision of

_____ has been

reviewed by me and is approved ✓

disapproved _____.

If disapproved, please list reason _____

Mobil Oil Service Station

[Signature] 8/8/97
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

TOWN OF NEW WINDSOR

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NEW WINDSOR, NEW YORK 12553

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AUG 07 1997

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N. A. HIGHWAY DEPT

PLANNING BOARD FILE NUMBER: 97 - 25

DATE PLAN RECEIVED: RECEIVED AUG 4 1997

The maps and plans for the Site Approval ☒

Subdivision _____ as submitted by

_____ for the building or subdivision of

_____ has been

reviewed by me and is approved ☒

disapproved ☐

If disapproved, please list reason _____

W. J. ... 8/8/97
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1765

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 97 - 25

DATE PLAN RECEIVED: RECEIVED AUG 4 1997

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

Mobil Oil _____ has been

reviewed by me and is approved ✓

~~disapproved~~ _____

~~If disapproved, please list reason~~ _____

Water service change - Please notify
water dept. before excavation

HIGHWAY SUPERINTENDENT _____ DATE _____

[Signature] 8-7-97
WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____

MEMO

To: New Windsor Planning Board

From: Town Fire Inspector

Subject: Mobil Oil Corporation

Date: 12 August 1997

Planning Board Reference Number: PB-97-25

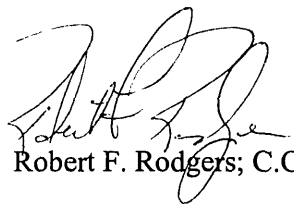
Dated: 4 August 1997

Fire Prevention Reference Number: FPS-97-041

A review of the above referenced subject site plan was conducted on 7 August 1997.

This site plan is acceptable.

Plans Dated: 1 July 1997.



Robert F. Rodgers; C.C.A.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

MOBIL

- ☐ Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Millford, Pennsylvania 18337
(717) 296-2765

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

1-3

TOWN/VILLAGE OF New Windsor

P/B # 97-25

WORK SESSION DATE: 2 July 97

APPLICANT RESUB.
REQUIRED: Full App

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: Mobil 5/2

PROJECT STATUS: NEW to OLD _____

REPRESENTATIVE PRESENT: Dainius Verbickus

MUNIC REPS PRESENT: BLDG INSP. _____
FIRE INSP. _____
ENGINEER X _____
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Reconstruct to "On the Run"
- eliminate car wash
- no recorded sewer easement
rec letter to T/s - parking site.
trash encl.
- disc possible "food assembly" access
use - no seats OK

4MJJE91 pbwsform



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF New Windsor P/B # 97 - 25
WORK SESSION DATE: 16 July 1997 APPLICANT RESUB.
REAPPEARANCE AT W/S REQUESTED: No REQUIRED: Full App
PROJECT NAME: MOBIL (VAILS GATE)
PROJECT STATUS: NEW X OLD _____
REPRESENTATIVE PRESENT: Dainius Verbickus
MUNIC REPS PRESENT: BLDG INSP. ~~Blank~~
FIRE INSP. X
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

— will need variance

— will be going to DOT re curb cut
and on ramp to bus stop (relocated)

— more revisions to plans for 8/13 agenda
no later than 8/4 +/-

4MJE91 pbwsform



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

APPLICATION TO:
TOWN OF NEW WINDSOR PLANNING BOARD

RECEIVED AUG 4 1997

97-25

"XX"

17 TYPE OF APPLICATION (check appropriate item):

Subdivision____ Lot Line Chg.____ Site Plan X Spec. Permit____

1. Name of Project MOBIL OIL CORPORATION

2. Name of Applicant RACHEL MAYO Phone 203-740-9280

Address 125 COMMERCE DR. BROOKFIELD, CT 06804
(Street No. & Name) (Post Office) (State) (zip)

3. Owner of Record MOBIL OIL CORPORATION Phone____

Address 3225 GALLOWS RD. FAIRFAX, VA 22037
(Street No. & Name) (Post Office) (State) (zip)

4. Person Preparing Plan CHARLES P. MAY

Address 125 COMMERCE DR. BROOKFIELD, CT 06804
(Street No. & Name) (Post Office) (State) (zip)

5. Attorney____ Phone____

Address____
(Street No. & Name) (Post Office) (State) (zip)

6. Person to be notified to represent applicant at Planning Board Meeting RACHEL MAYO Phone 203-740-9280
(Name)

7. Project Location: On the WEST side of NYS RT 32
CORNER (street)
OF feet SOUTH of NYS RT 94
(direction) (street)

8. Project Data: Acreage of Parcel 42,604 sq. ft. Zone DESIGN SHOPPING_C
School Dist.____

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Y____ N X

If you answer "yes" to question 9, please complete the attached Agricultural Data Statement.

10. Tax Map Designation: Section 69 Block 4 Lot 26.2

11. General Description of Project: REPLACE EXISTING BUILDING WITH 3380
SQ. FT. BUILDING WITH CONVENIENCE MART. MODIFY EXISTING CANOPY AND
RELOCATE EXISTING PUMPS AS WELL AS MODIFY EXISTING SIGNAGE.

12. Has the Zoning Board of Appeals granted any variances for
this property? X yes no.

13. Has a Special Permit previously been granted for this
property? X yes no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the
property owner, a separate notarized statement from the owner
must be submitted, authorizing this application.

STATE OF NEW YORK)

SS.:

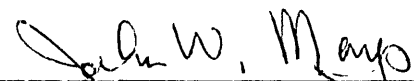
COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and
states that the information, statements and representations
contained in this application and supporting documents and
drawings are true and accurate to the best of his/her knowledge
and/or belief. The applicant further acknowledges responsibility
to the Town for all fees and costs associated with the review of
this application.

Sworn before me this

4TH day of AUG 1997


Applicant's Signature


Notary Public
JOHN W. MAYO, Notary Public
State of Connecticut
Commission Expires 12/31/98

TOWN USE ONLY:

RECEIVED AUG 4 1997

Date Application Received

97 - 25

Application Number

If applicable "XX"

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Site Plan Title | 29. <input checked="" type="checkbox"/> Curbing Locations |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s) | 30. <input checked="" type="checkbox"/> Curbing Through Section |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es) | 31. <input checked="" type="checkbox"/> Catch Basin Locations |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name | 32. <input checked="" type="checkbox"/> Catch Basin Through Section |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address | 33. <input checked="" type="checkbox"/> Storm Drainage |
| 6. <input checked="" type="checkbox"/> Drawing Date | 34. <input checked="" type="checkbox"/> Refuse Storage |
| 7. <input checked="" type="checkbox"/> Revision Dates | 35. <input checked="" type="checkbox"/> Other Outdoor Storage |
| 8. <input checked="" type="checkbox"/> Area Map Inset | 36. <input checked="" type="checkbox"/> Water Supply |
| 9. <input checked="" type="checkbox"/> Site Designation | 37. <input checked="" type="checkbox"/> Sanitary Disposal System |
| 10. <input checked="" type="checkbox"/> Properties Within 500' of Site | 38. <input checked="" type="checkbox"/> Fire Hydrants |
| 1. <input checked="" type="checkbox"/> Property Owners (Item #10) | 39. <input checked="" type="checkbox"/> Building Locations |
| 2. <input checked="" type="checkbox"/> Plot Plan | 40. <input checked="" type="checkbox"/> Building Setbacks |
| 3. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser) | 41. <input checked="" type="checkbox"/> Front Building Elevations |
| 4. <input checked="" type="checkbox"/> Metes and Bounds | 42. <input checked="" type="checkbox"/> Divisions of Occupancy |
| 5. <input checked="" type="checkbox"/> Zoning Designation | 43. <input checked="" type="checkbox"/> Sign Details |
| 6. <input checked="" type="checkbox"/> North Arrow | 44. <input checked="" type="checkbox"/> Bulk Table Inset |
| 7. <input checked="" type="checkbox"/> Abutting Property Owners | 45. <input checked="" type="checkbox"/> Property Area (Nearest
100 sq. ft.) |
| 8. <input checked="" type="checkbox"/> Existing Building Locations | 46. <input checked="" type="checkbox"/> Building Coverage (sq. ft.) |
| 9. <input checked="" type="checkbox"/> Existing Paved Areas | 47. <input checked="" type="checkbox"/> Building Coverage (% of
Total Area) |
| 10. <input checked="" type="checkbox"/> Existing Vegetation | 48. <input checked="" type="checkbox"/> Pavement Coverage (sq. ft.) |
| 11. <input checked="" type="checkbox"/> Existing Access & Egress | 49. <input checked="" type="checkbox"/> Pavement Coverage (% of
Total Area) |
| <u>PROPOSED IMPROVEMENTS</u> | |
| 12. <input checked="" type="checkbox"/> Landscaping | 50. <input checked="" type="checkbox"/> Open Space (sq. ft.) |
| 13. <input checked="" type="checkbox"/> Exterior Lighting | 51. <input checked="" type="checkbox"/> Open Space (% of Total Area) |
| 14. <input checked="" type="checkbox"/> Screening | 52. <input checked="" type="checkbox"/> No. of Parking Spaces Prop. |
| 15. <input checked="" type="checkbox"/> Access & Egress | 53. <input checked="" type="checkbox"/> No. of Parking Spaces Req. |
| 16. <input checked="" type="checkbox"/> Parking Areas | |
| 17. <input checked="" type="checkbox"/> Loading Areas | |
| 18. <input checked="" type="checkbox"/> Paving Details
(Items 25-27) | |

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REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. N/A Referral to Orange County Planning Dept. required for all applicants filing AD Statement.
55. N/A A Disclosure Statement, in the form set below must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

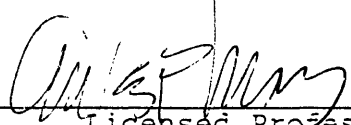
"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This list is provided as a guide only and is for the convenience of the applicant. the Town of Ne Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with the checklist and the Town of New Windsor Ordinances, to the best of my knowledge

By: 
Licensed Professional

Date: 8/4/97

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SEE ATTACHED AUTHORIZATION^{"XX"}APPLICANT'S PROXY STATEMENT
(for professional representation)

Letter.

for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD_____, deposes and says that he
(Applicant)resides at _____
(Applicant's Address)

in the County of _____

and State of _____

and that he is the applicant for the _____

(Project Name and Description)which is the premises described in the foregoing application and
that he has authorized _____

(Professional Representative)

to make the foregoing application as described therein.

Date: _____

(Owner's Signature)_____
(Witness' Signature)THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

Mobil Oil Corporation

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464 DOUGHTY BOULEVARD
INWOOD, NEW YORK 11636-1342

June 21, 1996

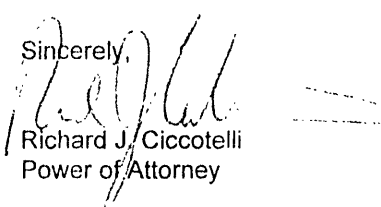
To whom it may concern:

Authorization to as Agent

This letter authorizes Richard M. Calkins, Dainius L. Virbickas and Rachel A. Mayo of Tyree Consulting Co. to represent Mobil Oil Corporation for the purpose of applying for and obtaining approvals and permits for service station construction projects.

They will also represent Mobil on other matters such as condemnations and violations involving Municipal, County, State and Federal Agencies.

Sincerely,


Richard J. Ciccotelli
Power of Attorney

II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

Does action exceed any type I threshold in 6 NYCRR, Part 617.12? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☒ No

Will action receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6? If No, a negative declaration may be superseded by another involved agency.

☒ Yes ☐ No

Would action result in any adverse effects associated with the following: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

NO

IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☒ No If Yes, explain briefly

III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date

PROJECT I.D. NUMBER

"XX"

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617.21

Appendix C

SEQR

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State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

RT I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR TYREE ENGINEERING, PC.	2. PROJECT NAME MOBIL OIL CORPORATION SS# 17-NZX
PROJECT LOCATION: Municipality NEW WINDSOR County ORANGE	
PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) THE SITE IS LOCATED AT 1001 ROUTE 94 AT THE INTERSECTION OF ROUTE 94 WITH ROUTE 32.	
IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
DESCRIBE PROJECT BRIEFLY: THE APPLICANT PROPOSES TO DEMOLISH THE EXISTING CARWASH AND MINI-MART BUILDINGS AND REPLACE THEM WITH ONE LARGE CONVENIENCE STORE. EXISTING CANOPY WILL BE SHORTENED AND DISPENSER ISLANDS WILL BE RE-ARRANGED.	
AMOUNT OF LAND AFFECTED: Initially 0.7[±] acres Ultimately 0.7[±] acres	
WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
WHAT IS PRESENT LAND-USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
3. DOES ACTION INVOLVE A PERMIT APPROVAL OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <div style="margin-left: 400px;"> BUILDING DEPARTMENT PLANNING BOARD ZONING BOARD OF APPEALS STATE D.O.T. </div>	
4. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <div style="margin-left: 400px;"> PLANNING BOARD — EXISTING SITE ZBA. — VARIANCES FOR SETBACKS & SIGNAGE. </div>	
5. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/Sponsor name: _____ Date: _____	
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

2001684

"XX"

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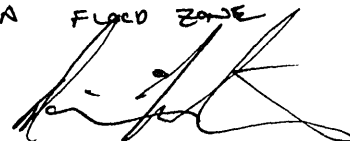
ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance ☒

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

PROPERTY IN NOT LOCATED IN A FLOOD ZONE


DAINIUS L. VIRBICKAS